CITY OF PATASKALA, OHIO

City of Pataskala Administrative Offices www.ci.pataskala.oh.us



621 West Broad Street Suite 2B Pataskala, Ohio 43062 Telephone: 740-927-2021 Fax: 740-927-0228

NOTICE OF PUBLIC HEARING

CITY OF PATASKALA COUNCIL

The City of Pataskala Council will hold a public hearing on June 17, 2019, at 6:30PM at City Hall in Council Chambers located at 621 West Broad Street, Pataskala, Ohio.

The following rezoning application will be considered:

An application to rezone properties located on Middleground Road SW, Parcel Numbers 064-068322-00.009 and 064-068087-00.000, totaling 136.32 +/- acres, in the City of Pataskala, from the High Density Residential District (R-10) zoning classification to the Planned Development District (PDD) zoning classification.

All interested citizens are welcome to attend.

All documents pertaining to the above will be available for examination at City Hall, 621 W. Broad Street, Monday through Friday, 8:00 AM to 4:00 PM.

Kathy Hoskinson Clerk of Council



Planning and Zoning Department

May 2, 2019

Scenic View Estates, LLC 146 Main Street New Albany, OH 43054

RE: Zoning Application ZON-19-005

Dear Sirs:

Your request for approval of a rezoning from R-10 — High Density Residential to PDD — Planned Development District and for the approval of a Preliminary Plan for Scenic View Estates, pursuant to Section 1255.13(b) of the Pataskala Code, was given a public hearing on Wednesday, May 1, 2019.

The City of Pataskala Planning and Zoning Commission recommended approval of the request, with the following modifications:

- 1. The Applicant shall address all comments from Planning and Zoning Staff, City Engineer, Public Service Director, Public Utilities Director, Licking County Engineer, Harrison Township, and the West Licking Joint Fire District.
- 2. The Planning and Zoning Commission shall grant a divergence from Section 1255.10(c) of the Pataskaia Code to allow for less than 50% of the lots to abut common open space.
- 3. Parking shall be prohibited on the Cul-de-sacs and Common Access Drives.

The recommendation shall be forwarded to Pataskala City Council for consideration as Ordinance Number 2019-4341 for a public hearing on Monday, June 17, 2019.

Should you have any questions, please feel free to contact Jack Kuntzman, City Planner, at (740) 964-1316 or via email at jkuntzman@ci.pataskala.oh.us.

Sincerely,

Jack Kuntzma **City Planner**

cc: Zoning inspector **Zoning Clerk** File

To whom it may concern,

Letter from the owner regarding the need for changing zoning.

My name is Dimitry Filonenko.

I own and manage different businesses and investment projects, including real estate, building and remodeling. I live on the Northeast side of Columbus and believe that Pataskala holds a lot of growth potential. We found this undeveloped property in 2012, acquiring it in 2013. I thought it would be an attractive and good investment for the future, comprised of 230 wooded residential lots. Although the site was appealing, one of the many problems that we faced was the cost and impact of removing over 2,500 trees to build roads and infrastructure. This deforestation number would triple once home sites were cleared and the cost to nature would be unacceptable!

If you look at the map of Pataskala, you will notice that there's very little woodlands for miles around. Over time, I felt the need to come up with a project that would protect one of the last standing natural forests. If we were to develop a traditional subdivision, all about density and profitability, the more lots developed, the lesser the cost, it would also result in a greater development expense.

My own home is on a five-acre lot surrounded by mature trees and sitting on a breathtaking ravine. It is not just a home; it integrates and complements the living natural environment that exists within.

For the intervening years, we contemplated our alternatives. Perhaps we could offer a different solution, one which would be more competitive in the market, but still offer a return on investment. We went through 4 different plans in 6 years of research and planning, and all have been around the original development plan done by others 15 years ago. Finally, last fall we came up with a plan, which would not decimate the woods, and just extend lots from five separate cul-de-sacs. This resulted in larger lots that would be less disturbing to nature and preserve it. Incorporating house sites within the woods, as opposed to destroying the woods was the goal.

The last, important step in land plan that we made, which lead us to a final count of 60 lots, occurred on a walk through the property with one thought in mind: Where would I build my own home and what view I would want to have, from my own windows or deck?

I think this is one of the most important opportunities we can offer to a future home owner, to select their home site as well as what they desire in a custom home. From its orientation to take advantage of views to the choice of materials that will blend with this environment and neighborhood.

This site will stay green for many years, many tree specimens will be preserved and the surrounding subdivision references to trees like Beechwood and Hazelwood will be not just be empty names. If our plan is approved, we will only need to remove 124 trees for private roads.

We have received great support and understanding from the city and people who are getting involved in this project. I do believe, as long as this project will have the peoples' support, this project will protect the environment and one day we may see it on the map, private community "Scenic View Estates".

This community will be given an opportunity to build new and smart homes that co-exist and complement nature. These homes should be eco-friendly on bigger lots, (a rare occurrence these days). I also hope it may be a good example and inspiration for other developers in the area.

Sincerely, Dimitry Filonenko, Managing Member, Scenic View Estates, LLC



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

City Hall, Council Chambers 621 West Broad Street Pataskala, Ohio 43062

STAFF REPORT

May 1, 2019

Rezoning Application ZON-19-005

Applicants: Scenic View Estates, LLC

Owner: Scenic View Estates, LLC.

Location: Unimproved Property at 0 Middleground Rd (PID: 064-068322-00.009 + 064-

068087-00.000)

Acreage: +/- 136.23 acres

Zoning: R-10 High Density Residential

Request: Requesting a recommendation of approval of a Preliminary Plan for a 60 lot

Planned Development District know as Scenic View Estates pursuant to Section 1255.19 of the Pataskala Code for the property located at 0 Middleground

Road (PID 064-068322-00.009 and 064-068087-00.000).

Description of the Request:

The applicant is seeking approval of a Preliminary Development Plan for the proposed Planned Residential Development "Scenic View Estates", a 60-lot residential subdivision on the unimproved +/- 136.23-acre property at 0 Middleground Road (PID: PID 064-068322-00.009 and 064-068087-00.000).

Staff Summary:

The 136.23-acre property is currently zoned R-10 — High Density Residential and is heavily wooded with several large ravines and large elevation changes. The North and East borders of the parcel abut the Beechwood Trails Subdivision in Harrison Township, with access from Faultless Lane, Regret Drive, and two access points from Middleground Road. Access from within the City of Pataskala Municipal boundary is on Devoncroft Ridge West in the Hazelwood Subdivision, and Devoncroft Ridge East in Barrington Ridge.

The property in question was previously considered for development as a 224-unit subdivision with roads that would run throughout the development allowing through-access between the City of Pataskala and Harrison Township. However, that project was abandoned.

The Applicant's proposal is to develop the property into a 60-lot Planned Residential Development utilizing large lots and cul-de-sacs with no through-access. Below is a general summary of the proposal:

Site Statistics:

Number of Home Sites: 60
Total Acreage: 136.23
Open Space: 0 acres
Density: +/- 0.44

Minimum Lot Sizes

Minimum Lot Width: 75-feet at the end of each "flagpole"

Minimum Lot Size: 0.80-acres

Minimum Dwelling Size

Single-story: 1,500-square feetTwo-story: 2,000-square feet

Maximum Height: 35-feet, Two-story buildings with walk-out basements permitted to

exceed this.

<u>Setbacks</u>

• Front: 50-feet from Right-of-Way or front lot line

Side: 20-feetRear: 35-feet

<u>Access</u>

• Five (5) Cul-de-Sacs are proposed, Four (4) coming off streets in Harrison Township, and One (1) off of Devoncroft Ridge West within the City Municipal Boundaries.

- Some lots will have direct access onto the Cul-de-Sacs, while others are "Flagpole" lots. Each
 Flagpole lot will have access to the Cul-de-Sac via the "Pole" while the buildable area of the lot
 will be within the "Flag".
- However, each Flagpole lot will not have its own separate driveway. The developer has proposed
 a series of Common Access Drives to minimize the impact to the natural environment, to be held
 within an easement, that will provide access to the rear lots as well as a turn-around for
 emergency vehicles. Each Flagpole lot will have its own driveway off the Common Access Drive.

Signage

- At each entryway into the Cul-de-Sacs there are to be two (2) stone columns on either side with a security gate. A small placard identifying the subdivision will be placed on each column.
- Landscape beds will be installed around the columns.
- Signs will be non-illuminated.

Landscaping

• No additional landscaping is proposed, as the developer intends to retain as much of the existing natural landscape as possible.

Staff Review: The following summary does not constitute recommendations but merely conclusions and suggestions from staff.

Planning and Zoning (Full comments attached):

The Future Land Use Map designates this property as High Density Residential. Per the City of Pataskala Comprehensive Plan (2006), High Density Residential entails a maximum of three (3) dwelling units per acre (Density: 3.00 du/ac). The Applicant has proposed a density of 0.44 du/ac, which would not be in line with the Comprehensive Plan.

A full list of comments from Planning and Zoning Staff is attached to this document.

City Engineer (Full comments attached):

The City Engineer, Hull & Associates, Inc., has provided a list of comments on the preliminary plan that are attached to this document.

<u>Public Service Director (Full comments attached):</u>

The Public Service Director has provided comments on the City Engineer's comments; and are attached to this document. He would also like to note, that because of the unique set of existing conditions, it has been necessary for the developer to be creative in developing a plan for the proposal, and that the developer has been very responsive and responsible in working with the City.

Public Utilities Director (Full comments attached):

- 1. Utility Department will be granted access to public infrastructure underneath private roads.
- The initial proposal for the low-pressure sanitary design was rejected by the Utility Committee.
 Sewer system will be redesigned to bring the lower third of the area to the City's sewer at
 Devoncroft Ridge West, and the upper two-thirds to the Southwest Licking Community Water and
 Sewer District pending approval by the District.
- 3. Water mains will extend from existing dead-ends to end of Cul-de-sacs. Each flag lot will receive its own service line, curb box, and meter pit. Rest of the line to the house will be private.
- 4. Each Cul-de-sac will have a hydrant installed at the end of public water main to allow flushing and fire protection. Lines going from Main to actual house will be to small to allow adequate flow for a hydrant.
- 5. Dead-end water lines will have a hydrant installed at the end. No current issues with stagnant water, however if it becomes and issue, hydrants can be flushed.

<u>Licking County Engineer (Full comments attached):</u>

- 1. As long as the Entry Gate and Column(s) are in City Corporation Limits, No comment.
- 2. We will need construction plans, bonds, and inspection fees for the road extensions outside of the City Corporation Limits (fee schedule attached).
- 3. It appears Middleground Road along the north property line and Faultless Lane roadside ditches drain into City Corporation Limits, No comment.
- 4. It appears Middleground Road along east property line and Regret Drive will require a culvert crossing outside City Corporation Limits. Please show proposed culverts. Size TBD during construction plan submittal.
- 5. Please provide a 4-inch step out for Item 301 and a 6-Inch step out for Item 304 (See attached Pavement edge detail).

Harrison Township (Full comments attached):

Harrison Township has requested that the construction plans be reviewed by County Officials, and the Township.

West Licking Joint Fire District (Full comments attached):

1. Any lanes/roads that are over 500' in length to the nearest fire hydrant, a hydrant shall be installed. Per regulations Section M.

- 2. If gates are installed at beginning of lanes/roads, a Knox pad lock, Knox Box, or Knox Gate lock shall be installed. If gates are electronic, Fire District requires a way to open the gates if power is lost. Per regulations Section J.
- 3. The lanes/roads shall be a minimum width of 20-feet and maintained at all times for fire access. Per regulations Section L.
- 4. Cul-de-sacs shall be required at the end of all lanes/roads and shall be a minimum of 96-feet. Per regulations Section L(f)(2).

Southwest Licking Local Schools (Full comments attached):

Superintendent Robert Jennell has submitted a letter stating that Southwest Licking Local Schools has no issue with the current layout of the proposed subdivision. The letter included in the binder provided.

Surrounding Area:

Direction	Zoning	Land Use
North	R-15 Residential (Harrlson Twp.)	Single-Family Homes
East	R-15 Residential (Harrison Twp.)	Single-Family Homes
South	R-7 – Village Single Family Residential	Single-Family Homes
West	R-15 - Medium-High Density Residential	Vacant

Preliminary Development Plan Approval:

According to Section 1255.19 of the Pataskala Code, the Planning and Zoning Commission shall consider approval of a Preliminary Development Plan if the proposal:

- a) The proposed development advances the general health, and safety of the City of Pataskala and is consistent with the purpose and intent of the Zoning Code.
- b) The proposed development is in conformity with the Comprehensive Plan, and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network.
- c) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of, and is otherwise compatible with, the surrounding areas.
- d) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded.
- e) The proposed developments will have sufficient open space areas that meet the objectives of the Comprehensive Plan.
- f) That the benefits, improved arrangements, and the design of the proposed development justify the deviation from the standard development requirements included in the City of Pataskala Zoning Code.
- g) That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
- h) The applicant's contributions to the public infrastructure are consistent with all adopted plans and are sufficient to service the new development.
- i) That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.

- j) That the arrangement of land uses on the site properly considered topography, significant natural features, and natural drainage patterns, views, and roadway access.
- k) That the clustering of development sites is shown to preserve any natural or historic features and provides usable common open space.
- The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems, and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians.
- m) That there are adequate buffers between incompatible land uses and the density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the City.
- n) That the relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the Planned District and the larger community and maintains the rural-village character of Pataskala.
- o) The proposed architectural character is compatible with that of surrounding properties and promotes and enhances the community values expressed in the Comprehensive Plan.
- p) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, watercourses and drainage areas.
- q) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to yield the intended overall development and to insure that public facilities and amenities are provided as planned.
- r) That any other items shown in the preliminary development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction.

Department and Agency Review

- Zoning Inspector No Comments.
- City Engineer See Attached.
- Public Service Director See Attached.
- Pataskala Utilitles Director See Attached.
- SWLCSWD No Comments.
- Police Department No Comments.
- West Licking Joint Fire District See Attached.
- Southwest Licking Local Schools See Attached.
- Licking County Engineer See Attached.
- Harrison Township See Attached.

Modifications:

Should the Planning and Zoning Commission choose to approve the applicant's request, the following modifications may be considered:

- 1. The Applicant shall address all comments from Planning and Zoning Staff, City Engineer, Public Service Director, Public Utilities Director, Licking County Engineer, Harrison Township, and the West Licking Joint Fire District
- 2. The Planning and Zoning Commission shall grant a divergence from Section 1255.10(c) of the Pataskala Code to allow for less than 50% of the lots to abut common open space.

Resolution:

For your convenience, the following resolution may be considered by the Planning and Zoning Commission when making a motion:

"I move to approve Application number ZON-19-005 pursuant to Section 1255.19 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A Pataskala, Ohio 43062

ZON-19-005 "Scenic View Estates" Review April 18, 2019

For May 1, 2019 PZC Hearing

General Comments:

- 1) Section 1255.10(c): Requires a minimum of 50% of the lots to abut common open space. As there is no common open space proposed, a divergence from this requirement must be requested.
- 2) Need clarification on Tree Clearing. Will the home owner be responsible for tree survey?
 - a) Ex: Home is built. Owner would like to build a deck, does the tree clearing zone expand with the deck or is it limited to the home site as originally built?
- 3) Upon approval of the preliminary plan by City Council, the Applicant will submit a large format version of the plan, printed on mylar, for signatures.

Development Text:

- 1) 1255.17(a)(3)(F)(2): Include as "Notes" On exhibit D of the Preliminary Plan
- 2) 1255.17(a)(3)(F)(8): Water/Sanitary plans have changed, see comments from Public Utility Director. Plans will need to be revised to show changes.
- 3) 1255.17(a)(3)(F)(9): Developer shall construct all public improvements before platting. Sales of lots can only be done after platting.
- 4) 1255.17(a)(3)(F)(12): Clarification: Developer states in text that no letter is included from School District. Superintendent of Southwest Licking Local Schools has supplied a letter confirming he has reviewed the proposal.
- 5) 1255.17(a)(3)(G)(1):
 - a) Permitted Accessory Structures: Change "shall be approved" in first paragraph to "are permitted". Pataskala Regulations will also apply.
 - b) Required Trash Areas: Confirm with the City's refuse collection company. Will residents have to wheel trash bins to Cul-de-Sac's? Would not want trash vehicles going down common access drives.
- 6) 1255.17(a)(3)(G)(4): Include list of divergences on title sheet of Preliminary Plan.
 - a) Item (G)(4)(b): Divergence will be from Section 1117.10, not 1117.01.
 - b) Item (G)(4)(d): List the streets that will not have sidewalks.
 - c) Item (G)(4)(e): List the streets that will not have curb and gutter.
 - d) Item (G)(4)(f): This divergence will not be needed.
- 7) Page 12, "Permitted Accessory Structures", same as above. Change "shall be permitted" to "are permitted". Include language stating Pataskala Regulations shall also apply.

Preliminary Plan:

Include a Title Sheet showing the name of the proposed subdivision, Regional Context Map, names
of utility providers, date plan was prepared, etc. (see Section 1113.06). Include signature lines for:
Applicant, Director of Utility Services, SWLCWS General Manager, Director of Public Services, City

- Administrator, Civil Engineer, Chairman of Planning and Zoning Commission, and Director of Planning.
- 2) Include measurements for proposed Cul-de-sacs, R.O.W. width, pavement width, etc.
- 3) Include page numbers on the plans. There are 3 pages of Exhibit D, which are all different (Ex: Exhibit D-1, D-2, etc.).
- 4) How many homes will be utilizing the common access drives? How many homes will have their own driveways onto the Cul-de-Sacs.
- 5) On the First page of Exhibit D, show the proposed Dimensions of the Entry Columns.
 - a) Section 1295.09(b)(8): One Sign per entry, limited to 6' in height, combined area not to exceed 32 sqft.
 - i) If each stone column is to have its own sign, then a divergence may be required as it does not conform to the one sign per entry regulation.
- 6) Include a note somewhere on the Preliminary Plans referring to the 20' clearing zone around structures.
- 7) Include a note stating that entire project to be 1 phase, built over several years, as stated in development text.
- 8) On the Site Statistics table: include acreage being used for streets.
- 9) Include the supplied tree removal calculations as an exhibit in the Preliminary Plans.



April 19, 2019

Mr. Jack Kuntzman City of Pataskala, City Planner 621 West Broad Street Pataskala, Ohio 43062

Re: Review of Planning and Zoning Commission Agenda

May 1, 2019 Meeting

Dear Mr. Kutzman.

Hull and Associates, Inc. has reviewed the agenda Items for the May 1, 2019 BZC meeting at the request of the City of Pataskala. As a result of this review, we offer the following comments:

ZON-19-005 Scenic View Estates

- 1. This application is for approval of the Preliminary Plan for the Scenic View Estates subdivision project. While we would typically have few comments on a Preliminary Plan, this application is for a unique project that that is different from any other we believe the city has ever seen. Therefore, we are offering comments on the project for consideration by the city. We do not have an opinion as to whether this plan is a good idea, as that is not the role of the City Engineer. However, we do want to offer comments that will come into play when construction plans are submitted in case they have an impact on the city's view of the Preliminary Plan.
- 2. With drive extensions coming from property in Harrison Township, will coordination with the township or county be required?
- 3. If we understand the submittal correctly, entrance gates are proposed to be placed on public streets. We are not aware of this being done anywhere else and can create a hindrance for public access as well as city vehicle access (snow plows, water/sewer trucks, etc.). If these streets are intended to be private streets, as it might indicate in the PPP Text, then the lots are fronting on private streets, which violates several sections of the city regulations.
- 4. We do not see Indications of any sidewalks or pedestrian paths.
- 5. The layout does not appear to provide space for any stormwater facilities. While the intention will likely show minimal stormwater impact due to the size of the lots, stormwater management will still be required.
 - a. Post Construction BMP's will be required to ensure compliance with OEPA standards.
- 6. The layout calls for numerous private 'joint use' drives with 'flag lots' off of them so the lots have frontage on a short public street. This idea generates the following situations:
 - a. The lengths of many of these 'private drives' would be significantly longer than the allowable length of a cul-de-sac according to city standards.
 - b. The 'flag lots' that are created violate Section 1117.17 (f) of the Pataskala Codified Ordinances that require a lot depth to width ratio no greater than 3:1. The purpose of this regulation as we understand it is to eliminate flag lots.
 - c. The subdivision is accessed by 5 different abutting roads, but there is NO connectivity of the roadways on the property. This can be a concern for safety force access.

- d. The 'road and private drive' concept forces the need for many easements to access public utilities. This can be a bit of a concern with the ability of the city to access it's utilities.
- e. The developer has discussed the 'low pressure sanitary sewer' design. We do not take exception to this approach but will need considerable detail in the construction plans when submitted.
- f. It is hard to see the intent with the waterline plan on the utility map provided. However, we have the following concerns with the waterline:
 - i. It appears it will be very difficult to provide adequate 'looping' of the waterline to ensure adequate pressure and flow.
 - ii. We cannot tell where hydrants are intended to be placed, but we have a concern with the fire protection for the houses in this development. It appears with the spread of houses and lots, a hydrant may be required for almost every lot.
 - iii. Dead end waterlines with just one or two lots on them can be a concern for stagnant water. How will this be handled, especially in the early stages before the project is built out?
- g. Small issue, but we note the name of the subdivision is Scenic View Estates, but we also note referring to 'Beachwood Subdivision'. This will need to be clarified moving forward.

FP-19-003 Carrington Ridge One

7. This request appears to solely address signage for this subdivision. That being the case, we do not have any engineering related comments on this case.

We appreciate the opportunity to provide these services for the city. If there are any questions or if we need to attend any calls or meetings, please let us know.

Sincerely,

Hull and Associates, Inc.

James G. Roberts, PE Vice President

Vice President

From: Alan Haines
To: Jack Kuntzman

Cc: Scott Fulton; Chris Sharrock; Jim Roberts; Scott Haines

 Subject:
 PSD PZC Review for 5-1-19

 Date:
 Monday, April 22, 2019 1:56:18 PM

Jack,

I have the following comments on the PZC agenda for 5-1-19:

ZON-19-005

As I believe that Hull (Mr. Roberts) hit pretty much all the concerns, I will comment on his comments.

- 1. Noted
- 2. Coordination has been on-going with the Township. The Township/County Engineer will review the aspects of the plans that are to be constructed in Harrison Township.
 - a. Note the following:
 - i. There are no viable maintenance agreement/trade-off opportunities where the Township would maintain the proposed streets.
 - ii. The City is not interested in plowing/maintaining streets where we would need to travel through the Township to get there.
 - iii. The Township is (understandably) not interested maintaining streets that are in the City.
- 3. These are planned to be private streets due to 2.a.i-iii above. Violations/variances required are noted and shall be addressed.
- 4. 4 of the 5 cul-de-sacs match up to existing streets that do not have curb, gutter, or sidewalks. Accordingly, staff believed it would make sense to follow suit and match the adjacent subdivision.
 - a. Additionally, note the following:
 - i. This does differ on the cul-de-sac coming in from Hazelwood, but as it is to be a private street, staff did not take exception to the proposal to match the other cul-de-sacs in Scenic View Estates, and not have curb, gutter, and sidewalk.
 - ii. All roadway drainage shall be adequately addressed.
- 5. As the proposed plan minimizes the need for mass clearing and grading, the stormwater impact is anticipated to be minimal. The developer has been made aware that stormwater quality and quantity shall be addressed. The developer has committed to address stormwater control, and preliminary discussions for potential solutions have occurred.
 - a. Concur.
- 6. I defer to Mr. Sharrock's comments and have nothing further to add.
- 7. Beyond Mr. Roberts comments, I will note that the unique set of existing conditions of the area provide a number of limiting factors on this plot of land. To this point, it has been necessary for the developer to be creative in developing a plan for the proposed subdivision, but in my opinion, has been very responsive and responsible in working with the City and their development of the project.

ZON-19-003

1. No comment

Let me know if you have any questions.

Regards,

Alan W. Haines, P.E. Public Service Director City of Pataskala

621 W. Broad Street Suite 2B Pataskala, Ohio 43062

Office: 740-927-0145 Cell: 614-746-5365 Fax: 740-927-0228 From: To: Chris Sharrock
Jack Kuntzman

Subject: Utility Department review

Date: Monday, April 15, 2019 3:02:34 PM

Jack,

Here are my comments on the following Items:

20N-19-005- The Utility Department will not accept the installation of a collective force main for sewer service, regardless of whether or not the grinder pumps are owned by the city or privately owned as is proposed. The Utility Department will require that all lots (about 1/3) that can be served by bringing gravity sewers to the Devencroft Ridge West connection in Hazlewood be done as such. The rest of the lots (about 2/3) can be sent to the District as long as they are able to gain approval from the District. Some of the District's requirements will include, but are not limited to, removing existing grinder lift stations at the end of Faultless Lane and Middleground, collecting those gravity lines as part of the Scenic View Estates gravity system and upgrading the District's existing lift station to accommodate the extra flow.

FP-19-003- The Utility Department has no comment

VA-19-011- The Utility Department has no comment

Let me know if you have any questions

Thank you,

Chris Sharrock
Pataskala Utility Director
621 West Broad Street
csharrock@ci.pataskala.oh.us

Office: (740) 927-4134 Cell: (614) 554-2799 From: Chris Sharrock

To: Ilm Roberts: Tack Kuntzman; Scott Fulton; Alan Haines

Cc: Scott Haines

Subject: RE: Pataskala PZC Review
Date: Monday, April 22, 2019 8:48:36 AM

All,

In response to the comments from Hull about the Scenic View Estates:

6d. The private/public roadway has been addressed in other areas such as Carrington Ridge and Hazleton Town Center. My understanding is that the utility department will be granted access to the private roadways in order to gain access to the Public Utility infrastructure.

6e. The low pressure sanitary sewer design has been rejected as the Utility Committee has no interest in any sewer plan that puts the responsibility of pump maintenance on the resident. The Utility Department has no interest in assuming responsibility for the grinder/step pump system. They will be redesigning a sewer system that will bring the lower 1/3 of the area to the city's sewer by gravity and connecting at Devencroft Ridge West in the Hazlewood Subdivision and the upper 2/3 of the area to the District's sewer pending approval by the District.

6f (i). The water mains will simply be extended from the existing dead ends already in place. The public water lines will stop at the end of the cul de sac where each flag lot will receive its own service line, curb box and meter pit. The rest of the line to each house will be private.
6f (ii). Each cul de sac will have a hydrant installed at the end of the public water main to allow for flushing and fire protection. The lines going from the cul de sac to the houses in the back of the flag lots will be small, probably 1" and will not be able to provide adequate flow for a hydrant. The distance from the public hydrant to each of the actual houses is significant and would require the Fire Department to haul water from the cul de sac to the house being serviced. This is an excellent point and not one that I had considered.

6f (iii). The deadend waterlines will have a hydrant installed at the end. Again, they are simply an extension of dead end lines that already exist. We currently do not have issues with stagnant water in these areas. If it became an issue, however, we could simply put these areas on a monthly flushing cycle using the new hydrants.

Thank you.

Chris Sharrock
Pataskala Utility Director
621 West Broad Street
csharrock@ci.pataskala.oh.us

Office: (740) 927-4134 Cell: (614) 554-2799

From: Jim Roberts [mailto:jroberts@hullinc.com]

Sent: Friday, April 19, 2019 2:38 PM

To: Jack Kuntzman < jkuntzman@ci.pataskala.oh.us>; Scott Fulton < sfulton@ci.pataskala.oh.us>; Alan Haines < ahaines@ci.pataskala.oh.us>; Chris Sharrock < csharrock@ci.pataskala.oh.us>

Cc: Scott Haines <shaines@hullinc.com>
Subject: FW: Pataskala PZC Review

Jack, attached are our comments for the May 1 PZC Meeting.

All, because the Scenic View plan is the only item with significant comments and it is a very unique plan, I think it is important for all of you to look over our comments and let me know if you have issues or concerns with any of them.

We can certainly discuss by phone or meet if needed to make sure we are on the same page.

Thanks, Jim

James G. Roberts, P.E.

Vice President Newark Office Manager

HULL | Newark, Ohio Environment / Energy / Infrastructure

o: 740-344-5451 | d: 740-224-0739

Follow Hull on Facabook & Linkedin wab | directions to offices

From: Knerr, Jared
To: Jack Kuntzman
Cc: Scott Fulton; Yoho, Ty
Subject: RE: Scenic View Estates

Date: Friday, April 19, 2019 4:18:28 PM

Attachments: 76-366 Subdivision Inspection Fee Resolution.pdf

Pavement Edge Detail.pdf

Jack.

Here are my comments pertaining to the Scenic View Estates Exhibit D – Preliminary Development Plan and Typical Sections dated 4/2019:

- As long as the Entry Gate and Column(s) are in the City Corporation Limits, I have no comment.
- We will need construction plans, bond, and inspection (fee schedule attached) for the road extensions outside of the City Corporation Limits.
- It appears Middleground Rd (please note the spelling correction) along the north property line and Faultless Ln roadside ditches drainage into the City Corporation Limits, I have no comment.
- It appears Middleground Rd along the east property line and Regret Dr will required a
 culvert crossing outside the City Corporation Limits. Please show the proposed culverts.
 Size TBD during construction plan submittal.
- Please provide 4" step out for Item 301 and 6" step out for Item 304 (see attached Pavement Edge Detail).

Sincerely,

Jared Knerr, P.E., P.S.

Licking County Engineer
Office of Licking County Engineer
20 South Second Street
Newark, Ohio 43055
Office T: 740.670.5280
Desk T: 740.670.5292
iknerr@lcounty.com

From: Jack Kuntzman [mailto:jkuntzman@d.pataskala.oh.us]
Sent: Wednesday, April 10, 2019 1:44 PM

To: Knerr, Jared Cc: Scott Fulton

Subject: Scenic View Estates

Afternoon Jared,

I hope things have been going well. I am sending this email in regards to a new subdivision that is being proposed in Pataskala titled "Scenic View Estates". It's up on the very far east of the City limits, bordering Harrison Township and the Beechwood Trails subdivision. 3 of their cul-de-sacs will be off of roads in Harrison Township, so we want to make sure you are looped into the review memo as well. Attached to this email is a copy of the review memo, their plans, development text, and the HoA covenants. If you could take a look at them and let me know if you have any comments regarding the proposal, let me know and they will be included in the Staff Report for Planning and Zoning Commission. A copy is also going to Harrison Township, and the developer has met with them

a few times previously regarding this. We would need comments back by April 19th.

If you have any questions or need clarification on anything, feel free to give me a call.

Respectfully,

JACK KUNTZMAN
City Planner
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062
Phone: 740-964-1316

RESOLUTION

IN THE MATTER OF ESTABLISHING A FEE SCHEDULE FOR CONSTRUCTION INSPECTION AND MATERIALS TESTING/SAMPLING FOR LICKING COUNTY SUBDIVISION DEVELOPMENT PROJECTS

Whereas: The Licking County Engineer's Office, per the requirement of the Licking County Subdivision Regulations (Section 7.13) is requesting an agreement with the Licking County Board of Commissioners; NOW, THEREFORE,

BE IT RESOLVED by the Board of County Commissioners, County of Licking, State of Ohio:

That we do hereby establish a fee schedule for Construction Inspection and Materials
Testing/Sampling for Licking County Subdivision Development Projects implementing a fee of five
percent (5%) of the Engineer's estimated cost of the total street and storm sewer improvements for all
proposed Subdivision Development Projects. A minimum of seventy five hundred dollars
(\$7,500.00), regardless of the Engineer's estimated cost for the total street and storm sewer
improvements, will be required. This fee shall be made payable to the Licking County Planning
Commission, by the Developer, and held in an escrow account for payment of invoices submitted for
Inspection and Materials Testing/Sampling for the project. As the project progresses, if additional fee
money is required, it will be requested by a letter to the Developer showing how the inspection fee has
been used up to that time. Any Inspection and Materials Testing/Sampling money remaining in the
escrow account after acceptance of the project will be returned to the Developer (Payee).

Motion by FLOWERS

seconded by

SMITH

that the resolution be adopted was carried by the following vote:

VEAS:

NAYS:

CC: Michael I., Smith, Auditor

Bill Lozier, Engineer

Amber Cramer, Engineer's Office

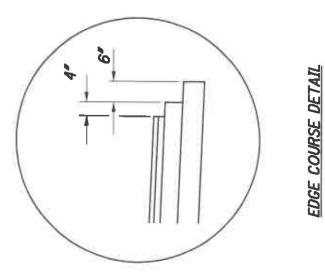
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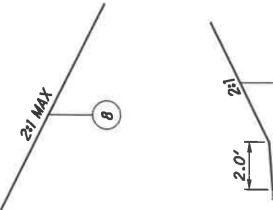
Ty Yoho, Engineer's Office

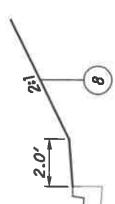
Timothy E. Bubb Duanc H. Flowers Doug Smith Adopted: June 24, 2014
Revalz adze

Beverly Adzic, Clerk/Administrator

SECTIONS







From: Tom frederick
To: "Knerr, lared"
Cc: Jack Kuntzman
Coulded: DE: Cooks May 1

Subject: RE: Scenic View Estates

Date: Tuesday, April 23, 2019 9:12:24 AM

Thanks Jared and Harrison Twp. has made the request to the developer and to the City that construction plans be reviewed by County official's (Co. Engineer, LCS&WCD) and the Twp. Thanks for the review & comments. Tom

From: Knerr, Jared <jknerr@lcounty.com> Sent: Monday, April 22, 2019 5:45 PM

To: Eric Smith (sellforyou@msn.com) <sellforyou@msn.com>; mavb@prodigy.net;

ray.foor@aol.com

Cc: 'Tom frederick' <zoningtom@yahoo.com>; Ben Patterson (pattersonb2008@yahoo.com)

<pattersonb2008@yahoo.com>
Subject: FW: Scenic View Estates

Gentlemen:

FYI, this was my reply to Pataskala pertaining to their April 10, 2019 Review Memo.

Sincerely,

Jared Knerr, P.E., P.S
Licking County Engineer
Office of Licking County Engineer
20 South Second Street
Newark, Ohio 43055
Office T: 740.670.5280
Desk T: 740.670.5292
Iknerr@lcounty.com

From: Knerr, Jared

Sent: Friday, April 19, 2019 4:18 PM

To: 'Jack Kuntzman'
Cc: Scott Fulton; Yoho, Ty
Subject: RE: Scenic View Estates

Jack,

Here are my comments pertaining to the Scenic View Estates Exhibit D – Preliminary Development Plan and Typical Sections dated 4/2019:

- As long as the Entry Gate and Column(s) are in the City Corporation Limits, I have no comment.
- 2. We will need construction plans, bond, and inspection (fee schedule attached) for the road extensions outside of the City Corporation Limits.
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5. Please provide 4" step out for Item 301 and 6" step out for Item 304 (see attached Pavement Edge Detail).

Sincerely,
Jared Knerr, P.E., P.S
Licking County Engineer
Office of Licking County Engineer
20 South Second Street
Newark, Ohlo 43055
Office T: 740.670.5280
Deak T: 740.670.5292
iknerr@kounty.com

From: Jack Kuntzman [mailto:ikuntzman@ci.pataskala.oh.us]

Sent: Wednesday, April 10, 2019 1:44 PM

To: Knerr, Jared Cc: Scott Fulton

Subject: Scenic View Estates

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If you have any questions or need clarification on anything, feel free to give me a call.

Respectfully,

JACK KUNTZMAN
City Planner
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062

Phone: 740-964-1316

From: Doug White
To: Jack Kuntzman
Cc: Doug White

Subject: Comments and concerns

Date: Wednesday, April 17, 2019 10:38:04 AM

Jack,

West Licking Joint Fire District has looked over the use variance **VA19-011** and we have concerns in regards to the change of use group. The applicant should submit plans to the Licking County Building Department for approval for such change in use group.

West Licking Joint Fire District has reviewed the preliminary development plans for Scenic View Estates and we have the following comments.

- 1) Any of the lanes / roads that are over 500' in length to the nearest fire hydrant, a fire hydrant shall be installed. Per our regulations section M
- 2) If gates are installed at the beginning of the lanes / roads, a Knox pad lock or Knox Box or a Knox Gate lock shall be installed. If the gates are electronic we require a way to open the gates if loss of power. Per our regulations section J.
- 3) The lanes / roads shall be a minimum width of 20' and maintained at all times for fire apparatus access per our regulations section L.

This concludes our comments at this time. If there any questions please feel free to contact me.

Regards,

Doug White

dwhite@westlickingfire.org

Fire Marshal
West Licking Fire District
851 E. Broad St.
Pataskala Oh 43062
Office Phone # 740-927-3046 Opt. 2
Westlickingfire.org



From: **Doug White** To: Jack Kuntzman Cci **Doug White** Subject:

Additional comment

Wednesday, April 17, 2019 10:48:16 AM Date:

Jack,

West Licking Joint Fire District has one additional comment for the preliminary development Scenic View Estates.

1) Cu-de-sacs shall be required at the end of all lanes / roads and shall be a minimum of 96' of unobstructed paved drivable surface per our regulations section L note f paragraph 2.

This concludes our comments at this time. If there are any questions please feel free to contact me.

Regards,

Doug White

dwhite@westlickingfire.org

Fire Marshal West Licking Fire District 851 E. Broad St. Pataskala Oh 43062 Office Phone # 740-927-3046 Opt. 2 Westlickingfire.org

From: Jennell, Robert (Southwest Licking Local Schools)

To: <u>lack Kuntzman</u>
Subject: Scenic View Estates

Date: Monday, April 22, 2019 2:00:15 PM

City of Pataskala,

Thank you for the opportunity to have input on the Scenic View Estates Development. The Southwest Licking Local Schools believes the current format (exhibit D) for this subdivision will fit nicely into the community. As a result, we have no issues with this subdivision moving forward at this time.

If you have questions, please feel free to call.

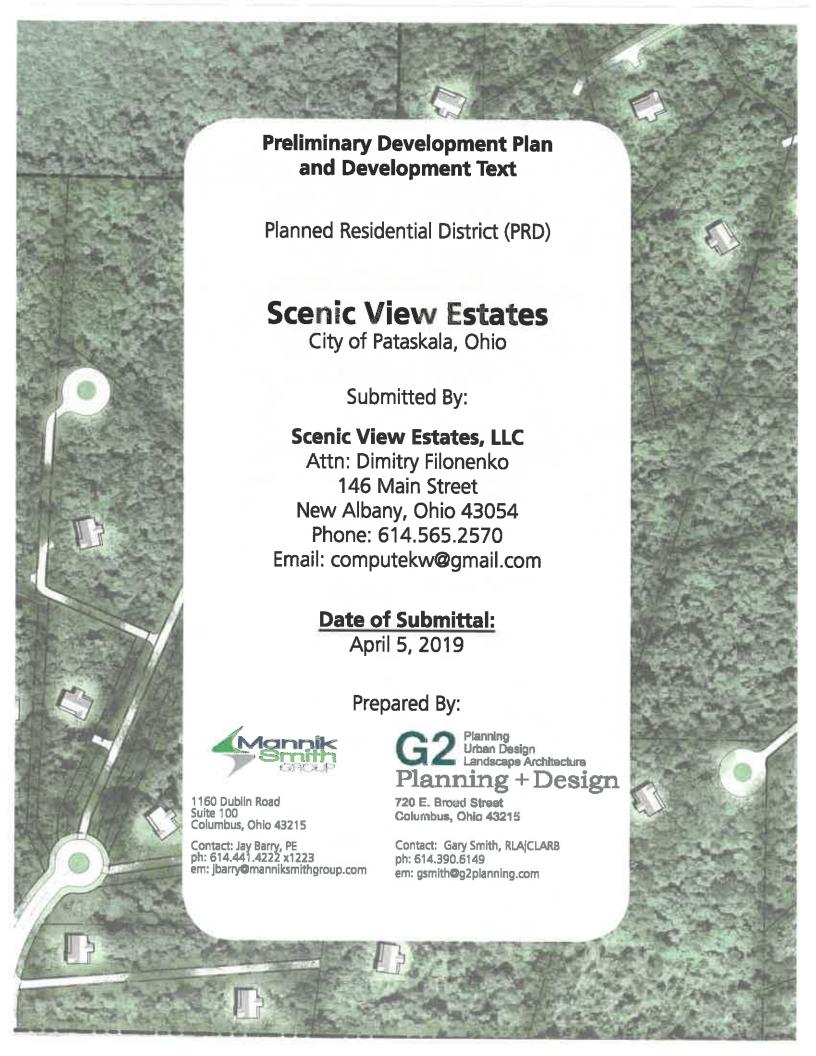
Thank you, Bob

Robert T. Jennell, Superintendent Southwest Licking Local School District Licking County & Fairfield County, Ohio



927-A South Street Pataskala, Ohio 43062 Phone: (740) 927-3941 Fax: (740) 927-7230

CONFIDENTIALITY NOTICE: This message may contain confidential information, including, but not limited to, student personally identifiable information. Such information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution, or the taking of any action in reliance on the contents of the information contained herein is strictly prohibited. If you receive this e-mail message in error, please immediately notify me by telephone at the Southwest Licking Local School District to arrange for the return of the original document to me. Please also delete the message from your computer. PLEASE ALSO NOTE: This message and any response to it MAY wholly, or in part, constitute a public record, and therefore may be available upon request in accordance with Ohio public records law. (ORC 149.43)







Preliminary Development Plan – Project Introduction Planned Residential Development

Applicant Request:

The applicant requests approval to re-zone the ±136.23 acre property from its current classification of R-10 (Section 1235) to Planned Residential Development (PRD, Section 1255) under the procedures established in Section 1217 and 1255 of the City of Pataskala Zoning Code.

Project Description:

The Scenic View Estates development is intended to be a departure from the typical suburban development model. In other words, it is intended to be different, and to provide buyers who wish to live in Pataskala with another lifestyle option. Scenic View Estates will be an upscale, innovative development providing an opportunity for larger homes on larger lots. Situated on one of the most beautiful parcels remaining in Pataskala, the developer is seeking to develop 60 large and unique single-family lots that work with nature, not erase it. The community will incorporate a variety of lot sizes ranging from about 1 acre, up to about 6 acres, all organized around the principle of preserving the natural features, and will offer buyers an opportunity to build their home in a natural setting with unique views, all within close proximity to shopping and other conveniences. To minimize the disturbance to existing trees and topography, a large number of lots will be accessed through common access drives which can be more sensitively located on the site. The use of common access drives will minimize the overall amount of pavement required for driveways, and will eliminate the need to clear cut swaths of trees for new roads and rights of way. Removal of existing trees will be minimized by the careful placement of homes and drives, and tree removal will be limited to the area directly surrounding the footprint of the home and drive. With an average density of less than 1 residence for every 2 acres, this development is less dense than all of the surrounding neighborhoods, and considerably less dense than the previously approved R-10 development plan for this property.

The design of the community provides a unique approach to development that works in concert with the site, minimizes infrastructure costs, and helps preserve the natural features of the site. The inclusion of larger lots, the limitations on site disturbance, and the low density, all combine to preserve a large percentage of the sites natural features and eliminate the need for dedicated open space.

Architectural themes for the proposed development will focus on floor plans and styles that emphasize natural materials and views that open up into the site. Architecture that better connects the indoors with the outdoors will be preferred and examples have been provided herein. Exterior house colors will blend with nature.

Once approved, the 'Scenic View Estates' development will provide the City of Pataskala with a community of unique design, incorporating the preservation of the sites' most precious features, and will provide an opportunity for people to live in Pataskala in a beautiful, serene environment.

Scenic View Estates

Planned Residential Development Zoning Application

April 5, 2019

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Exhibits "D"- Preliminary Development Plan

Exhibit "E" - Conceptual Illustrative Plan

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Exhibit "G" - Preliminary Utility Plan

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Exhibit "I" - Tree Survey

Exhibit "J" - Utility Service Letters



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

City Hall, Council Chambers 621 West Broad Street Pataskala, Ohio 43062

PRELIMINARY PLAN APPLICATION

(Pataskala Codified Ordinances Chapter 1113)

Property Information			Staff Use	
Address: 0 Middleground Ro	Application Number:			
Parcel Number: 064-068322-00.0	009 & 064-068087-00.	00		
Zoning: Current Zoning R-10	Fee:			
Water Supply:				
☑ City of Pataskala □	South West Licking	On Site	Filing Date:	
Wastewater Treatment:				
☑ City of Pataskala □	South West Licking	On Site	Hearing Date:	
Applicant Information	AL SHEET WATER		Receipt Number:	
Name: Scenic View Estates,	ПС			
Address: 146 Main Street				
Oty: New Albany	State: Ohio	Zip: 43054	Documents	
Phone: 614.565.2570	Email: compu	Email: computekw@gmail.com		
			☐ Fee	
Owner Information	N COLUMN		☐ Preliminary Plan	
Name: FDT Group, LLC	☐ Supplementary Info			
Address: 146 Main Street	☐ Deed			
City: New Albany	State: Ohio	Zip: 43054	☐ Address List	
Phone: 614.565.2570	Email: com	putekw@gmail.com	☐ Area Map	
Preliminary Plan Information		Mark Shirt and		
Describe the Project:				

The applicant is proposing to re-zone the property from its current R-10 zoning

large lots, nestled into the existing site. The intent of the applicant is to provide an opportunity for future buyers to build a house on a secluded and wooded lot, in a development that is highly sensitive to the existing natural features of the site, and provides standards to preserve those features for the benefits of the environment and

ciassification to a Planned Residential Development to allow for the development of 60

residents of the subdivision.

Documents to Submit

Preliminary Plan Application: Submit 1 copy of the preliminary plan application.

Preliminary Plan: Submit 14 copies of a preliminary plan 24 x 36 inches in size and an electronic copy (CD,USB) containing the following:

- a) Proposed name of the subdivision
- b) Location by section, range, township or other official surveys
- c) Names, addresses and phone numbers of the owner, subdivider, an Ohio Registered Professional Engineer who prepared the plan, or Registered Surveyor who prepared the plan, and the appropriate registration numbers and seals of each.
- d) Date of survey.

Signatures

- e) Scale of the plan, not less than 100 feet to the inch, and north arrow.
- f) Boundaries of the subdivision, its acreage, and deed book and page number of lands within the proposed subdivision.
- g) Names of adjacent subdivisions, owners of adjoin parcels of unsubdivided land, and the location of their boundary lines.
- h) Locations, widths, and names of existing streets, railroad rights of way, easements, parks, permanent buildings, corporation and township lines, location of wooded areas and any other significant topographic and natural features within and adjacent to the plan for a minimum distance of
- 1) Zaning classification of the tract and adjoining properties and a description of the proposed zoning changes, if any,
- Existing contours at an interval of not greater than two (2) feet if the slope of the ground is 15 percent or less, and not greater than five (5) feet where the slope is more than 15 percent.
- Existing storm and sanitary sewers, water lines, culverts, and other public utilities underground structures, and power transmission poles and lines, within and adjacent to the tract.
- i) Location, names and widths of typical cross section and right of way width of proposed streets and easements.
- m) Building setback lines with dimensions.
- Location and dimensions of all proposed public and private utilities, water, wastewater, storm drain lines, detention and/or retention facilities showing their locations and connections with existing system.
- o) Layout, lot number of and approximate dimensions of each lot. When a lot is located on a curved street, or when side lot lines are not at 90 degree angles, the width of the building line shall be shown.
- p) Parcels of land in acres and/or parts of acres to be preserved for public use, or to be reserved by covenant for residents of the subdivision.
- q) The location and width of sidewalks and spacing of street lighting.
- A vicinity map at a scale of not less than 2,000 feet to the inch shall show all existing subdivisions, roads, tract lines, nearest existing thoroughfares and the most advantageous connections between roads in the proposed subdivision and those of the neighboring area.

Supplementary Information: Submit 14 copies of a site plan to scale of the subject property indicating the following:

- Statement of proposed use of all lots, giving types number of dwelling units and any type of business or industry.
- b) Location and approximate dimensions of all existing buildings.
- For commercial and industrial development, the location, dimensions, approximate grade of proposed parking and loading areas, alleys, pedestrion walks, streets and the points of vehicular ingress and egress to the development and storm drainage detention of retention facilities.
- d) Description of the proposed covenants and restrictions.
- e) The extension or improvements of, including any oversize requirements to the City Central Water and Wastewater Treatment Systems that may be required by the City, to be constructed by the Subdivider at the Subdivider's expense, and according to all City ordinances. (See Section 1113.14)
- (1) Calculations which develop the water and sonitary sewer demand rates for the subdivision.

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec.

Address List: Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

Area Map: Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at www.icounty.com/texpercelviewer/default.

knowledge. Also, I authorize City of Pataskala staff to conduct preliminary plan request.	a attached to this appoint site visits and photog	plication are true and correct to the best of my graph the property as necessary as it pertains to thi	is
Applicant:	Dim dry	Fibrers 04.03 de	2/5
Owner:	0	Date:	1



Preliminary Development Plan Text Planned Residential Development

The following Development Text identifies the minimum requirements to be established for the "Scenic View Estates" Planned Residential Development. The development text includes the original text from Section 1255.17(a)(3) in bold, and the responses to those specific requirements to form the basis for the re-zoning. Where the specific language of this development text, or development plan exhibits, conflicts with the requirements established elsewhere in the City of Pataskala Zoning Code, the specific language of this text and exhibits will govern. Where the specific language of this development text, or development plan exhibits, is silent, the requirements of the City of Pataskala Zoning Code will apply.

A. Completed application form and application fee.

The completed and signed application form is included with this application.

B. A vicinity map showing the relationship of the proposed Planned District to existing development and including existing; property lines, easements, utilities, and street rights-of-way of the subject property and property within 200 feet of the site, zoning district boundaries, and existing land uses and structures.

The Site Regional Context Plan, included as Exhibit A, and the Site Survey/Existing Conditions, included as Exhibit B, will provide the information required for the vicinity map.

C. A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the proposed project and property lines of the adjacent areas on a drawing of 11 inches X 17 inches in size.

The Site Regional Context Map is included as Exhibit A.

D. A legal description of the property including County Auditor parcel numbers.

The Site Survey/Existing Conditions is included as Exhibit B. The legal description is included with the signed application.

- E. A map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and north arrow, including:
 - 1. Boundaries of the area proposed for development, dimensions and total acreage;
 - 2. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to the site;
 - 3. Identification of any existing buildings or structures to be removed or demolished;
 - 4. Existing zoning district boundaries and jurisdictional boundaries:
 - 5. Existing utility systems and providers;
 - 6. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant



- topographical features and identifying any areas with slopes over 5%;
- 7. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health and quality.
- 8. Existing drainage patterns on the property including connections with farm tiles on adjacent properties,
- 9. Locations of wetlands and potential wetlands, the 100 year floodplain, floodway boundary, 20 foot buffer beyond the floodway, and flood elevation as provided by the most recent Federal Emergency Management Agency mapping, including rivers and streams and their related river or stream bank, pond, and water courses,

The information requested above will be found on Site Survey/Existing Conditions, included as Exhibits B.

- F. The Preliminary Development Plan map shall include a plan for the entire area of the proposed Planned District Project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall also provide 13 copies or the number determined necessary by the Director of Planning. The Preliminary Development Plan portion of the application shall include:
 - The proposed location, use and size of sub-areas of residential, retail, office, industrial
 uses, community facilities, parks, playgrounds, school sites and other public areas and
 open spaces with the suggested ownership and maintenance provisions of such areas,
 and their related parking areas and access points.
 - The Preliminary Development plan, Exhibit D, shows the proposed use and configuration of the property. No sub-areas will be required as the entire +/- 136.23 acre property will be developed for single-family residential use only. No other uses shall be approved as part of this rezoning.
 - 2. The general layout of the proposed internal road system, indicating the proposed vehicular right of way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements.
 - The Preliminary Development Plan, Exhibit D, depicts the proposed layout of private streets and private common access drives as proposed. Common access drives will be located generally as shown on plan, however, exact location will be determined as upon final engineering and site survey in order to minimize site impacts. Private streets at each entry will be gated with a controller and all service and emergency personnel will have access control of the gates. Gates will be installed in conjunction with stone signage columns similar to those shown on the Preliminary Development Plan, Exhibit D. Exact location and design of gates and columns shall be determined at time of final engineering / final development plan. Private streets will be owned and maintained by a permanent HOA, and a sample copy of the HOA documents and declarations have been provided with this submittal.



3. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;

The Proposed Utility Plan shows the utility layout for off-site, and within the development, on included Exhibit G.

4. Environmental plan showing natural features and preservation zones

The site is almost entirely wooded, with several wetland areas located within the wooded areas. A wetland site assessment was performed under the previous submittal to identify wetlands, and potential wetlands, which are shown on the existing conditions plan (Exhibit B). The applicant intends to conduct a follow up review of those conditions to verify the size and location of all existing wetlands prior to moving forward with engineering and Final Development Plan. A 25' buffer around all known wetlands is established with this plan and no development will be permitted within the established wetland buffers. In addition, the site features rolling topography exceeding 5% slopes in most areas, with several ravine / stream areas traversing the site. As shown on the Preliminary Development Plan (Exhibit D) the layout of the proposed subdivision has been designed to preserve a majority of the site's natural features, rolling terrain, and minimize wetland impacts. Large lots will provide ample opportunity to locate proposed homes in areas that maximize views while minimizing impact to existing trees, wetlands, and topography. Lot disturbance for all homes within the subdivision will be limited to the footprint of the home, the driveway, and an area no greater than 20' around the perimeter of the proposed home and garage.

5. Natural areas and other natural, historic or significant features to be conserved and any required buffer areas;

The layout of the site is designed to preserve a majority of the sites natural features including the existing tree stands, existing wetlands, and the sites natural topography. The extension of private streets is being minimized to avoid mass clearing and grading of the site, and site disturbance on new home sites will be limited as described above. There are no known significant historic or cultural features located on the site.

6. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.

A small portion of the existing trees will be impacted by the layout of the site and the construction of the 5 private cul-de-sacs. Beyond the private road improvements, disturbances to the interior portions of the site will be limited to the individual home sites themselves, and the common drives that serve each home site. A private sewer system shall be installed to serve the development which will be directionally bored throughout the site in order to minimize the amount of trenching and equipment required for sewer installation. A limit of clearing for each home and garage site is



established as part of this zoning to include an area not greater than 20 feet surrounding the perimeter of each home. With the intent of the development being to limit disturbances from clearing, grading, utility installation and construction, and to maximize the preservation of the natural environment, no additional landscaping is being proposed within this development.

7. A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building height(s) and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area; Estimated total population, size, employment or other measurements of the scale of the project at each phase and at buildout;

The summary tables are presented on the Preliminary Development Plan Included as Exhibit D.

8. The provision of water, sanitary sewer;

The provisions for water and sanitary sewer are shown on the Proposed Utility Plan included as Exhibit G. The developer intends to install a private grinder pump sewage collection system on site that will be owned and maintained by the owners and the owner's association. The private pump system will outlet into a public force main system to be owned and maintained by the City.

 The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas;

The estimated schedule for site development is expected to start (subject to plan approvals) in the Fall of 2019. The applicant intends to plat the subdivision, construct the proposed public improvements, and sell lots to prospective buyers. Because of the unique nature of the development, architectural requirements, and custom nature of the construction, it is anticipated that the sale and development of all 60 lots will happen over a period of several years.

10. Proposed buffers between incompatible land uses and activities;

Given that the surrounding land uses are substantially similar in nature to the proposed development, and that the entire site is wooded in nature, no additional landscaping and screening is being proposed for this development.

11. Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged);

At each entrance to the project the developer intends to install two stone columns, as detailed on Exhibit D, to identify the development and to support and screen the



security gate equipment. A small placard identifying the development will be included on each column as indicated. Columns will be surrounded by a small landscape bed and will not be lighted. Exact location of the columns and entry gates shall be determined at the time of final engineering / final development plan.

12. A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District;

The applicant has been in communication with the Southwest Licking School district regarding this development. The school district declined an opportunity to meet, however, during the conversation they indicated that they would not be in support of additional residential growth within the school district.

13. Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals;

The signatures for the applicant, Chair of the Planning and Zoning Commission, and the City Council are included on the inside cover of this submittal document.

- G. Development Standards Text; a development standards text document including the special requirements that will govern the design and layout of the proposed Planned District, including:
 - 1. Architectural guidelines for each subarea, or phase; Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character and general elements in sufficient detail to indicate the proposed visual character of the development.

The architectural guidelines are as follows:

OVERALL SITE DEVELOPMENT

Land Use

The 'Scenic View Estates' Planned Residential Development is designed to provide a unique single-family living environment, on large lots, in a secluded natural setting. Single-family homes are the only permitted land use within this development.

Density

The 'Scenic View Estates' Planned Residential Development shall include a maximum of 60 dwelling units, or a total gross density of ± .44 units / acre as shown on the preliminary development plans submitted with this application and as described in the development text below.



GENERAL AND SITE REQUIREMENTS

Permitted Uses

Only single-family residences in ranch, split-level, or two-story configuration, shall be permitted within the Scenic View Estates development

Permitted Accessory Structures

All accessory uses and structures permitted herein will be subject to the review and approval of the Scenic View Estates HOA. The following accessory structures shall be approved within the 'Scenic View Estates' PRD:

- A maximum 2-car detached garage shall be permitted as an accessory structure. The design and location of such structures shall be configured to minimize the removal of significant trees on site.
- Decks and Patios are permitted accessory structures. Above ground Decks and patios shall be permitted to extend into the site provided accommodations are made to incorporate or avoid existing trees surrounding the perimeter of the home. Decks and patios shall not be permitted to extend into any established front, side, or rear yard setback, stream setback, or established wetland setback / easement.
- Trellises, pergola's, gazebo's or other garden structures are permitted provided such structures maintain a minimum 20' from any property line, do not require additional tree clearing, and meet the approval of the HOA. Trellises, pergola's, gazebo's or other garden structures shall not be permitted to extend into any stream setback, or established wetland setback / easement.
- In-ground swimming pools only provided that such pools meet the approval of the HOA, include all required code / safety improvements, and are designed to minimize clearing and grading. In ground swimming pools shall not be permitted to extend into any established front, side, or rear yard setback, stream setback, or established wetland setback / easement.

Lot sizes

Single family lots will vary in size and configuration as shown on the Preliminary Development Plan, Exhibit D with a minimum lot area of .80 acres. A minimum lot width of 75' at the front building setback line shall be required for all lots. Flag lots, as shown on the preliminary development plan, shall have setbacks established not from the right-of-way of the public road, but from the property lines constituting the developable portion of the lot past the access or "flagpole". With the exception of driveways, common access drives, and utilities, no development shall be permitted within the "flagpole" section of flag lots.



Setbacks required

The minimum front, side, and rear yard setbacks for all lots are as follows:

Front Yard Setbacks – 50' from R.O.W., or front lot line of flag lots Side Yard Setbacks - 20' from each side lot line Rear Yard Setbacks – 35' from the rear lot line

Dwelling Size and Distribution

The minimum sizes for finished areas of single-family dwellings, excluding porches, garages, or basements shall be 1,500 square feet for single story homes and 2,000 for one & one half and two-story homes.

Maximum Building Height

No building shall be erected or enlarged to exceed 35 feet above grade at the front, or garage side, of the dwelling. Two story dwellings with walkout basements shall be permitted to exceed this height at the rear, or walkout portion of the dwelling.

Parking

Each single-family home shall have a minimum 2-car garage and two additional parking spaces in the driveway.

Required Trash Areas

All trash and garbage shall be picked up by the City of Pataskala's private refuse company in rolling containers to be stored in the garage, or other location, as to effectively screen them from view of the street.

ARCHITECTURAL GUIDELINES

Exterior Walls

Acceptable Materials

Wood siding in various profiles including lap, dutch lap, shiplap, tongue and groove, clapboard, rustic lap, and board and batten
Fiber-cement ("Hardiplank" or equal) siding in the profiles listed above
Cedar shake siding
Natural stone, Owens Corning Cultured Stone, or equal
Stucco

Prohibited Materials

Wood fiber composites Aluminum siding



Foundations & Piers

Acceptable Materials

Poured concrete

Natural stone, Owens Corning Cultured Stone, or equal Exposed concrete block if exposed less than 24"

Roofs

Acceptable Materials

25 year or better asphalt or fiberglass shingles Standing seam and batten seam metal Cedar shingles

Methods and Configuration

Roof pitch shall be appropriate with style, generally 6:12 to 12:12. Porch and minor gables roofs may be a minimum of 4:12. Multiple roof styles and shapes, including flat roofs, are permitted if consistent with the architectural style.

Fascia, Trim, and Soffit

Acceptable Materials

Wood, painted or stained
Prefinished aluminum
Fiber-cement (HardiSoffit, HardiPanel or approved equal) or other approved synthetic product

Windows

Acceptable Materials

Frame & Sash:

Wood

Clad wood windows

Vinvl

Aluminum

Doors

Acceptable Materials

Solid wood with glazing and/or panels, painted or stained Fiberglass with glazing and/or panels, painted Insulated metal with glazing and/or panels, painted Wood, Aluminum, or Vinyl sliding glass for patio doors Wood, Aluminum, or Vinyl French glass for patio doors



Acceptable Chimney and Chase Materials

Stucco with cap or coping

Natural stone, Owens Corning Cultured Stone, or equal Siding, only with specific approval of the developer if consistent with architectural style

Methods and Configuration

Chimneys and chases must be compatible with the building architecture. Wall and roof vents shall be finished in a color compatible with the surrounding material.

Colors

Exterior colors: The color palette for the proposed buildings shall generally be earth tone or muted colors that blend with the natural environment. High chroma colors are specifically prohibited. Acceptable colors include natural wood stains, white, gray, clay, tans, browns, and beiges. Natural and muted shades of red and green may also be used provided they are more earth tone.

- 2. Including signature and date lines for the applicant, certifying the text See below for signature certification.
- 3. Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.

The proposed development encompasses ±136.23 acres, and will be subdivided into 60 single-family lots that will range in side from .8 acres up to 6 acres. Minimum lot width will be 75 feet at the front building line of each lot. Minimum lot width for flag lots will be determined at the front lot line where the lot widens past the access strip or "flagpole".

- 4. Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance and parking will be described and justified.
 - a. The applicant requests a divergence from Section 1113.06(q) of the City of Pataskala Subdivision regulations requiring the installation of streets lights. The applicant intends to minimize the use of outdoor lighting throughout the site to enhance the more natural, secluded feel of the development.
 - b. The applicant requests a divergence from Section 1117.01 of the City of Pataskala Subdivision Regulations to allow for Cul-de-sac length to exceed 500 feet. The applicant intends to provide private roads into the development, extend from



- existing township roads, several of which already exceed the maximum 500' centerline distance.
- c. The applicant requests a divergence from Section 1117.10 of the City of Pataskala Subdivision Regulations which require a minimum pavement width of 28 feet. The applicant intends to extend 20' private roads into the development as provided in the preliminary development plan exhibits.
- d. The applicant requests a divergence from Section 1117.15 of the City of Pataskala Subdivision Regulations to allow for the development of streets without sidewalks. 4 of the 5 street connections are to township roads which currently do not have sidewalks. The intent of the applicant is to minimize the footprint of paved streets into the development in order to preserve as much of the site's natural vegetation as possible.
- e. The applicant requests a divergence from Section 1121.12 of the City of Pataskala Subdivision Regulations which require curb and gutter on all new streets within the development. Several of the existing township streets being extended into the development do not meet this requirement and it is the intent of the applicant to match these streets, with the new private streets, as they are extended into the site.
- f. The applicant requests a divergence from Section 1235.05 of the City of Pataskala Zoning Code requiring the establishment of an open / play area of 1,500 square feet for each 5 lots within the proposed development. The applicant intends for this development to provide an opportunity for buyers to build homes within a pristine natural environment and the removal of existing trees to construct 18,000 square feet of open area / play structures is in opposition to those goals and will be a detriment to the site.
- g. The applicant requests a divergence from Section 1255.10(b) of the City of Pataskala zoning code requiring that the development provide a minimum of 35% of common open space and recreational facilities. The intent of the development is to provide 60 large lots within a pristine natural environment dedicated to the preservation of the site's natural features and vegetation. Given the sites very low density, a considerable amount of open space will remain throughout the site on individual lots. In addition, strict requirements will be placed on lot development to minimize the amount of disturbance to the natural features of each lot.
- h. The applicant requests a divergence from the requirements of Section 1283.03 of the City of Pataskala Zoning Code to eliminate the tree replacement requirements for this development. The applicant is proposing strict development standards, and innovative construction techniques, to preserve the maximum amount of existing vegetation possible. The typical extension of public rights of ways through the site, requiring extensive clearing, will be minimized with this development. Buyers will be required to limit disturbance of existing trees to an



area within 20' of the perimeter of each home. Common access drives, and private driveways, will be sited to avoid as many existing trees as possible. These strategies are intended to provide considerably greater tree preservation than the typical subdivision and the applicant requests consideration of such measures in lieu of tree replacement.

- The applicant requests a divergence from Section 1283.05 of the Pataskala Zoning Code which requires the installation of street trees. The applicant intends to maintain as much of the natural vegetation as possible with the development of the site and wishes to keep a more natural, less manicured, appearance within the development.
- 5. Provision shall be made to establish a private organization (i.e. homeowners/ or master association) with direct responsibility to provide for the operation and maintenance of all common facilities and amenities that are part of the planned development, and in such instance the legal assurances demonstrating that the private organization is self-perpetuating.

The Applicant has provided with the Preliminary Development Plan a Declaration of Covenants, Conditions, Restrictions and Easements for The Scenic View Estates community committing that a Homeowners Association will be formed that requires all lot owners to be members of the Association and to be responsible for the maintenance of common properties of the community. Further, the Declaration shall provide the Association the authority to foreclose on members who do not meet their obligations to fund that maintenance.

6. Traffic Issues

The proposed development will be access from five (5) separate private street connections. One (1) connection, in the south west corner, from the Hazelwood subdivision, two (2) connections to the east into the Beechwood Trails subdivision, and two (2) connections to the north into the Beechwood Trails subdivision. Each connection point services a smaller sub-section of the Scenic View Estates development, and none of the connection points are connected through the Scenic View Estates development. The largest number of homes served by any one connection point is the 19 homes accessed through Devencroft Ridge West in the Hazelwood subdivision. As such, traffic from the development is fairly evenly distributed among each of the 5 entry points thereby minimizing the need for additional public improvements. As of submittal, communication has taken place with the Licking County Engineer's office, and Harrison Township regarding the scope of this development. Coordination with the Licking County Engineer, and with Harrison Township will continue throughout the entire approval process.



7. Permitted Land Uses

Permitted Uses

Only single-family residences in ranch, split-level, or two-story configuration shall be permitted within this development.

Permitted Accessory Structures

All accessory uses and structures permitted herein will be subject to the review and approval of the Scenic View Estates HOA. The following accessory structures shall be approved within the 'Scenic View Estates' PRD:

- A maximum 2-car detached garage shall be permitted as an accessory structure. The design and location of such structures shall be configured to minimize the removal of significant trees on site.
- Decks and Patios are permitted accessory structures. Above ground Decks shall be permitted to extend into the site provided accommodations are made to incorporate or avoid existing trees surrounding the perimeter of the home. Decks and patios shall not be permitted to extend into any established front, side, or rear yard setback, stream setback, or established wetland setback / easement.
- Trellises, pergola's, gazebo's or other garden structures are permitted provided such structures maintain a minimum 20' from any property line, do not require additional tree clearing, and meet the approval of the HOA. Trellises, pergola's, gazebo's or other garden structures shall not be permitted to extend into any stream setback, or established wetland setback / easement.
- In-ground swimming pools only provided that such pools meet the approval of the HOA, include all required code / safety improvements, and are designed to minimize clearing and grading. In ground swimming pools shall not be permitted to extend into any established front, side, or rear yard setback, stream setback, or established wetland setback / easement.

Applicant	Date
Distriby	Fibrons

Applicant hereby certifies this Development Standards Text:

ADHIKARI TULSHI & TILA 852 CORYLUS DR PATASKALA, OH 43062	ALIFF ALVIN R JR 1151 DEANSWAY DR PATASKALA, OH 43062	AMH 2015-2 BORROWER LLC 30601 AGOURA RD, STE 200 AGOURA HILLS, CA 91301
ARBUCKLE LEE E JR & CAROL J 1145 DEANSWAY DR PATASKALA, OH 43062	ARPS DIANE (TOD) 490 APPLE BLOSSOM RD PATASKALA, OH 43062	BARKET LARAINE C 1211 DEANSWAY DR PATASKALA, OH 43062
BECKWITH DAVID C & WOOD JULIE A 520 DEVENCROFT RIDGE EAST PATASKALA, OH 43062	BISUTTI LEONARD A & CATHY L 454 MIDDLE GROUND RD PATASKALA, OH 43062	BJORNSON CHAD M & GRETCHEN A 193 SHALERIDGE RD PATASKALA, OH 43062
BLUM ALEX G & TRACEY F 202 LOOKOUT LN PATASKALA, OH 43062	BOGGESS MARSHA ANN 5289 HAZELTON ETNA RD PATASKALA, OH 43062	BOLLER GARY L 66 RIVA RIDGE RD SW PATASKALA, OH 43062
BOURIZK PHILIPPE MAURICE II & ASHLEY N 856 CORYLUS DR PATASKALA, OH 43062	BOWMAN DARL G & ANGELA J 1779 KEELA DR PATASKALA, OH 43062	BRACEY ROBERT & SUSAN 369 RIVA RIDGE RD SW PATASKALA, OH 4306
BROWN EARNEST 1757 KEELA DR PATASKALA, OH 43062	BROWN LARRY & HELMS DONNA 1183 DEANSWAY DR PATASKALA, OH 43062	BRYANT JAMES M & CONNIE SUE 1155 DEANSWAY DR PATASKALA, OH 43062
BURKEY BRYAN & BURKEY GEORGE M 459 MIDDLE GROUND RD SW PATASKALA, OH 43062	BURR KINSEA & JOHN W 183 PEACH BLOSSOM RD PATASKALA, OH 43062	BUTCHER DANNY & KIM 1171 DEANSWAY DR PATASKALA, OH 43062
BUTTS TIMOTHY J & LORI A 1429 KELCI JAYNE DR PATASKALA, OH 43062	CANFIELD KEVIN R & DEANNA L 165 SHALERIDGE DR PATASKALA, OH 43062	CARRY SARAH JANE 43 RIVA RIDGE RD SW PATASKALA, OH 43062
CLARK NATHAN P & JESSICA M 185 SHALERIDGE DR PATASKALA, OH 43062	DARR MARILEE (TOD) 71 KAUAI CT PATASKALA, OH 43062	DAWSON MARTIN J & DEBRA JOY 52 LOOKOUT LN PATASKALA, OH 43062

DEWITT JAMES B & LYNNE E

226 LOOKOUT LN

PATASKALA, OH 43062

DEAGLE JAMES L

425 DOCKSIDE DR #801

NAPLES, FL 34110

DOUGLAS KENNETH E &

BLAZER CANDACE M

1135 DEANSWAY DR

PATASKALA, OH 43062

DOYLE JONATHAN & MAYRA 848 CORYLUS DR PATASKALA, OH 43062

DUNLOP JANET &
OLSON ROBERT L
621 WILSON RD
YUBA CITY, CA 95991

ELLINGER THERON R & DORINDA
1769 KEELA DR
PATASKALA, OH 43062

FANNIN LIMITED PARTNERSHIP 424 BEECHER RD GAHANNA, OH 43230

> FINLEY ERIN & STEVEN 1780 KEELA DR PATASKALA, OH 43062

GALLAGHER ROSE M & PATCH ROSE M 981 MIDDLEGROUND RD PATASKALA, OH 43062

GIRARD ASHLEE 1426 KELCI JAYNE DR PATASKALA, OH 43062

GROVE INA & TERRY 339 RIVA RIDGE SW. PATASKALA, OH 43062

HAZELWOOD ASSOCIATION INC PO BOX 395 GROVE CITY, OH 43123

JOLYNN SUE 1815 KEELA DR PATASKALA, OH 43062 DRISCOLL BARBARA & CHRISTOPHER H 1765 KEELA DR PATASKALA, OH 43062

DYER JOHNATHAN D 1795 KEELA DR PATASKALA, OH 43062

ELMASIAN NICHOLAS J & DAVIAN D 872 CORYLUS DR PATASKALA, OH 43062

FDT GROUP LLC 1000 TAYLOR STATION RD C COLUMBUS, OH 43230

FITZ TODD B 1745 KEELA DR PATASKALA, OH 43062

GARD KATHLEEN M & JOHN T 1792 KEELA DR PATASKALA, OH 43062

> GRAPES KENNETH D & NANCY S 193 CHALLEDON CIR PATASKALA, OH 43062

BROWN DIANNE E
1187 DEANSWAY DR
PATASKALA, OH 43062

HENRY MICHAEL W & AMANDA R 1207 DEANSWAY DR PATASKALA, OH 43062

TODD W
1163 DEANSWAY DR
PATASKALA, OH 43062

DROESCH MICHAEL A & VICKI L
1733 KEELA DR
PATASKALA, OH 43062

ECKFELD DIANA G & CLARENCE M 1035 MIDDLEGROUND RD PATASKALA, OH 43062

EMERSON ALICIA N & BENJAMIN 1191 DEANSWAY DR PATASKALA, OH 43062

FERNANDEZ RUBEN D & HESBURN JAIME
1811 KEELA DR
PATASKALA, OH 43062

FU HAI 1783 KEELA DR PATASKALA, OH 43062

GERO EDWARD W & NANCY S 5011 HAZELTON-ETNA RD PATASKALA, OH 43062

GREEN RICHARD L &
PATRICIA J
177 SHALERIDGE DR
PATASKALA, OH 43062

HAIRE STEVEN W &
AMANDA M
1788 KEELA DR
PATASKALA, OH 43062

HICKS ROGER A & CAROLYN E 5203 HAZELTON-ETNA RD PATASKALA, OH 43062

> HOFACKER STEVE K & SANDRA L 876 CORYLUS DR PATASKALA, OH 43062

HOUSEHOLDER ROGER C 1729 KEELA DR PATASKALA, OH 43062

HUNT JAMES R II & KRISTIN A 205 CHALLEDON CIR SW PATASKALA, OH 43062

> JURSKI MELVIN P JR 5156 EAGLES LANDING OREGON, OH 43616

KIDIDIS MICHAEL S & MARY 166 LOOKOUT LANE PATASKALA, OH 43062

KORTE DANIEL E & DEANNA E 1761 KEELA DR PATASKALA, OH 43062

LAING WILLIAM T & CHARLEANN
237 RIVA RIDGE RD SW
PATASKALA, OH 43062

LIPPENCOTT ELISABETH C & LARRY L 527 APPLE BLOSSOM RD PATASKALA, OH 43062

MARCHOK DONALD A & MAEVE
1749 KEELA DR
PATASKALA, OH 43062

MEADOWS LINDA L 1215 DEANSWAY DR PATASKALA, OH 43062

NEIBERT JOSEPH A 181 SHALERIDGE DR PATASKALA, OH 43062 HUME BRADLEY J & JENNIFER L 422 MIDDLEGROUND RD PATASKALA, OH 43062

JARRELLS SAMUEL M & PAIGE M 864 CORYLUS DR PATASKALA, OH 43062

KHANAL RAM & PAMPHA 1799 KEELA DR PATASKALA, OH 43062

KINSER CHRISTOPHER S 1784 KEELA DR PATASKALA, OH 43062

KOSCIUSZKO THOMAS F & JUDITH A 528 APPLE BLOSSOM RD PATASKALA, OH 43062

LAY LARRY C & PAMELA K 201 SHALERIDGE DR PATASKALA, OH 43062

JUTTA E
204 FAULTLESS LN SW
PATASKALA, OH 43062

MAYNARD TIMOTHY D & LEWIS TERRIE A 255 RIVA RIDGE RD SW PATASKALA, OH 43062

METZGER JAMES R 1199 DEANSWAY DR PATASKALA, OH 43062

NELSON BRETT E & MELINDA L 428 APPLE BLOSSOM RD PATASKALA, OH 43062 HUMPHREYS SARAH M & MARY J
201 RIVA RIDGE
PATASKALA, OH 43062

JENKINS CHARLES W 1203 DEANSWAY DR PATASKALA, OH 43062

KHATIWADA MAYA & CHATRA B 1791 KEELA DR PATASKALA, OH 43062

KOIRALA DHAN PATI & MISHRA DIL M 860 CORYLUS DR PATASKALA, OH 43062

KOTAS KATE & KOTAS LEO 355 RIVA RIDGE RD SW PATASKALA, OH 43062

LEE BENJAMIN 1159 DEANSWAY DR PATASKALA, OH 43062

LOWE JAMES ERIC 1195 DEANSWAY DR PATASKALA, OH 43062

MCCARTY RONALD & LORENA 184 LOOKOUT LN PATASKALA, OH 43062

MOORE BRUCE A & CAROL M 147 RIVA RIDGE RD SW PATASKALA, OH 43062

NORRIS JOSEPH R & SYLVIANN 398 APPLE BLOSSOM RD PATASKALA, OH 43062

OBRIEN WILLIAM T & NANCY T		
105 RIVA RIDGE		
PATASKALA, OH 43062		

PERROTTA JOSEPH WILLIAM JR & KARLA P 139 CHALLEDON CIR SW PATASKALA, OH 43062

PETTIGREW DAVID L JR &
AMANDA S
76 KAUAI CT
PATASKALA, OH 43062

PULTE HOMES OF OHIO LLC 4900 TUTTLE CROSSING BLVD DUBLIN, OH 43016

RATLIFF RONALD W & LYNDA 999 MIDDLEGROUND RD SW PATASKALA, OH 43062

ROLLINS JOSHUA & JENNIFER 173 SHALERIDGE DR PATASKALA, OH 43062

> SCHALK KATHLEEN B TRUSTEE 165 RIVA RIDGE RD SW PATASKALA, OH 43062

SHEPHERD MICHAEL W & ANDREA L
157 CHALLEDON CIR SW PATASKALA, OH 43062

SPEZIALE JAMES J & DOROTHY ANN 174 PEACH BLOSSOM RD PATASKALA, OH 43062

TARBERT RICHARD A JR & LAURA B
458 APPLE BLOSSOM RD
PATASKALA, OH 43062

PARADISE FRANCES M & BELL EDWARD C 1807 KEELA DR PATASKALA, OH 43062

PERRY MICHAEL SHAWN & DAVITA H 1787 KEELA DR PATASKALA, OH 43062

PLEGER JACOB N & JUDAY-PLEGER EMILY B 250 LOOKOUT LN PATASKALA, OH 43062

PUTERBAUGH BRENT D 1175 DEANSWAY DR PATASKALA, OH 43062

RHOADES JAY A & STACIE L 175 CHALLEDON CIR PATASKALA, OH 43062

ROSE COREY D SR & LORI A 183 RIVA RIDGE RD SW PATASKALA, OH 43062

SHAIN DAVID S & KAY R 5115 HAZELTON-ETNA RD PATASKALA, OH 43062

SIX MATTHEW & CYNTHIA 130 LOOKOUT LN PATASKALA, OH 43062

TEEL CHARLES H JR & JOYCE A 127 RIVA RIDGE RD PATASKALA, OH 43062

> TENNANT JOSHUA M 1753 KEELA DR PATASKALA, OH 43062

PAUGH CARL R & BETTIE A 1819 KEELA DR PATASKALA, OH 43062

PETERSON KRISTIN J 963 MIDDLEGROUND RD PATASKALA, OH 43062

POSANI CARA M 197 SHALERIDGE DR PATASKALA, OH 43062

QUATTRO THERESE M & JUSTIN M 1737 KEELA DR PATASKALA, OH 43062

RODRIGUEZ RAYMOND M & KAREN D
148 LOOKOUT LN
PATASKALA, OH 43062

ROSS JUSTIN & MINDY 169 SHALERIDGE DR PATASKALA, OH 43062

SHAWMUT FARM LLC 299 FERRY LANDING DR SANIBEL, FL 33957

SMITH STEVEN M & WILLIAMS L 100 RIVA RIDGE RD SW PATASKALA, OH 43062

SWEARINGEN H MATTHEW & GINA-MARIE
149 REGRET DR SW
PATASKALA, OH 43062

THOMAS FELICIA & CHRISTOPHER M 1741 KEELA DR PATASKALA, OH 43062 TOMLINSON JASON M & JENNIFER L 123 CHALLEDON CIR PATASKALA, OH 43062

VAUGHAN R STEVEN & MCGARRY AMY P 189 SHALERIDGE DR PATASKALA, OH 43062

WADDELL SCOTT &
DATER JAIME
70 LOOKOUT LN SW
PATASKALA, OH 43062

WHITE JONATHAN D & ANNETTE M 868 CORYLUS DR PATASKALA, OH 43062

WILSON SHANE R 69 RIVA RIDGE PATASKALA, OH 43062

YELLEN MICHAEL 1179 DEANSWAY DR PATASKALA, OH 43062 UMLAND TRAVIS D 219 RIVA RIDGE RD SW PATASKALA, OH 43062

VERWEIRE BRUCE & DONNA M 112 LOOKOUT LANE PATASKALA, OH 43062

WERTZ CHRISTOPHER L & CRYSTAL G
1776 KEELA DR
PATASKALA, OH 43062

WHITLEY STEPHEN C & CALLICOAT ANDREA J 1803 KEELA DR PATASKALA, OH 43062

WISE JOHN W 121 REGRET RD SW PATASKALA, OH 43062

RIZZO BRET D & MELISSA JO 48 KAUAI CT PATASKALA, OH 43062 VANGORDEN-WALTERS WANNETTA GAY 984 MIDDLEGROUND RD PATASKALA, OH 43062

VINSCO LLC 148 SCHROCK W RD WESTERVILLE, OH 43081

WEWETZER JESSE & MARIE 521 DEVENCROFT RIDGE E PATASKALA, OH 43062

WILSON MICHAEL H & HEIDI C 4821 HAZELTON-ETNA RD PATASKALA, OH 43062

WOLFE DANIEL & CARLA J 946 MIDDLEGROUND RD PATASKALA, OH 43062

ADAMS NANCY LEE 53 KAUAI CT PATASKALA, OH 43062 CONDITIONAL APPROVAL FOR THIS TRANSFER CORRECTION REQUIRED FOR NEXT TRANSFER LARED N. INSERR, LICKING COUNTY ENGINEER POOL COMMUNITY POINT 0.021 Ac.

JARED N. KNIER

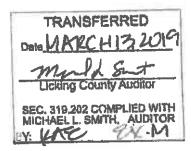
LICKING COUNTY ENGINEER

APPROVED M.

3./3./9



Pgrs 573.90 T2019001936 3713/2619 3:39 AM MEPCOOK STADO Bryan A. Long Licking County Recorder



GENERAL WARRANTY DEED

FDT GROUP, LLC, an Ohio limited liability company. of Franklin County, Ohio for valuable consideration, grant(s), with general warranty covenants undivided interest in the Real Property described below to SCENIC VIEW ESTATES, LLC, an Ohio limited liability company, whose tax mailing address is 146 East Main Street, New Albany, OH 43054, the following described real estate:

See attached Exhibit A.

Parcel Numbers: 025-068087-00.000 annexed to 064-068087-00.000 and 064-068322-00.009

Prior Deed Reference: Instrument Number 201304160009643, records of the Recorder of Deeds of Licking County, Ohio.

Subject to all conditions, restrictions, covenants, casements, mineral rights, grants, highways, and rights-of-way of public record, zoning ordinances, and taxes and assessments, both general and special, which may now be or hereafter become a lien on said REAL PROPERTY.





Witness its hand this 12 day of March 2019.

FDT GROUP, LLC

By: Dimitry Filonenko, Managing

Member

STATE OF OHIO; COUNTY OF FRANKLIN; SS:

BE IT REMEMBERED, that on this 12 day of March 2019, before me, the subscriber, a Notary Public in and for said state, personally came Dimitry Filonenko, the duly authorized and acting Managing Member of FDT Group, LLC, the Grantor in the foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

This instrument was prepared by:

COOK, SLADOJE & WITTENBERG CO., L.P.A. 250 East Broad Street Suite 1725 Columbus, OH 43215

State of this, County of Listing, City Of control in 204 May. 28, 19, 22 and 27, of hi control 1, Intege 14, United States Hildens, 106 anns of the Lands conveyed to Ivens no being more particology brinded and des-

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EXECUTIVE A

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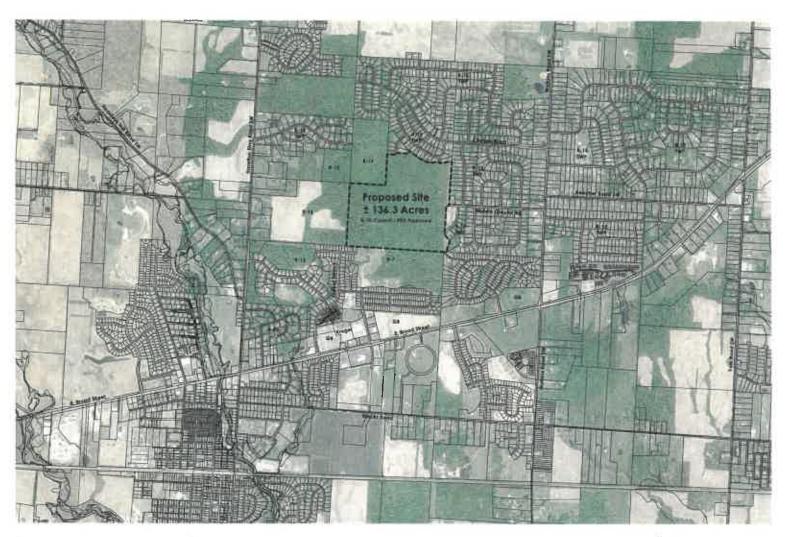
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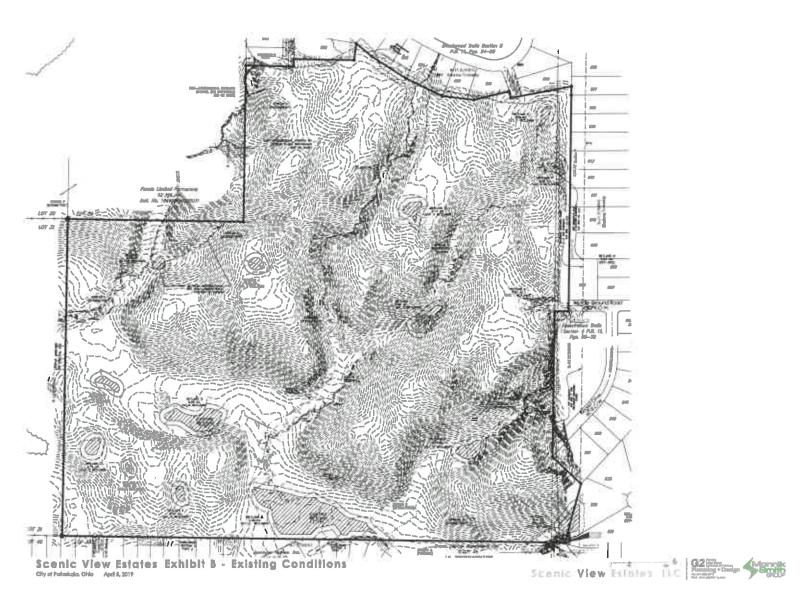
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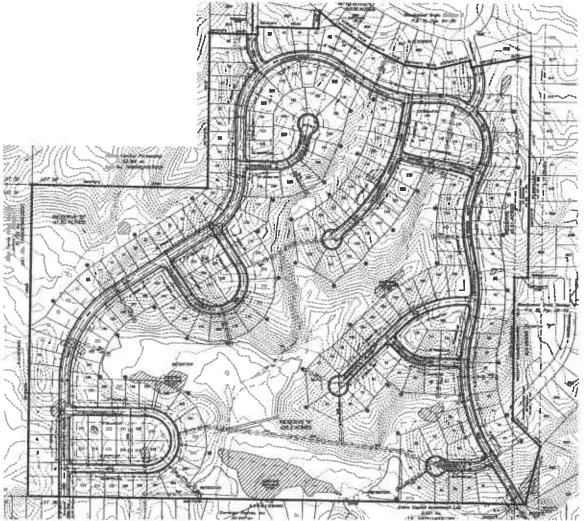
Scenic View Estates Exhibit A - Site Context / Vicinity Map. City of Principola, Ohio April 5, 2019





Scenic View Estates Exhibit 8 - Existing Conditions

Scenic View Estates IIC American Company

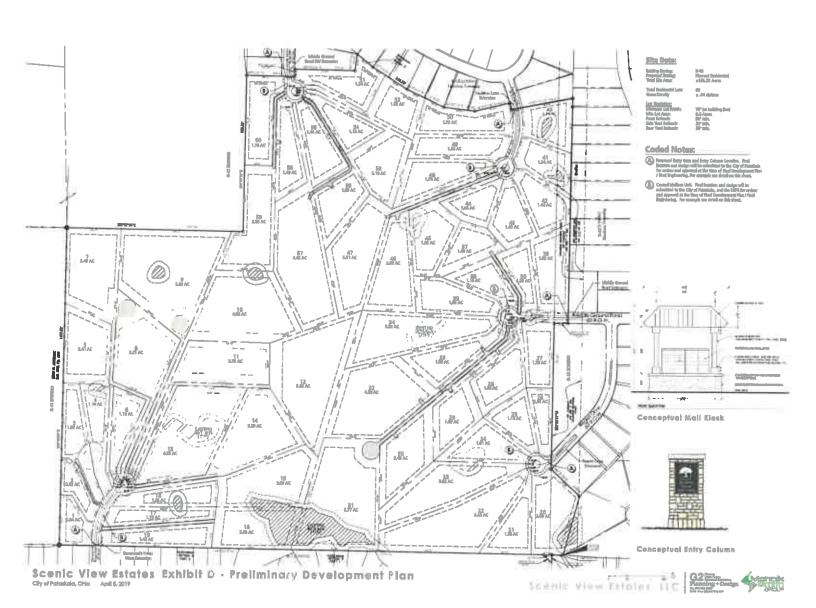


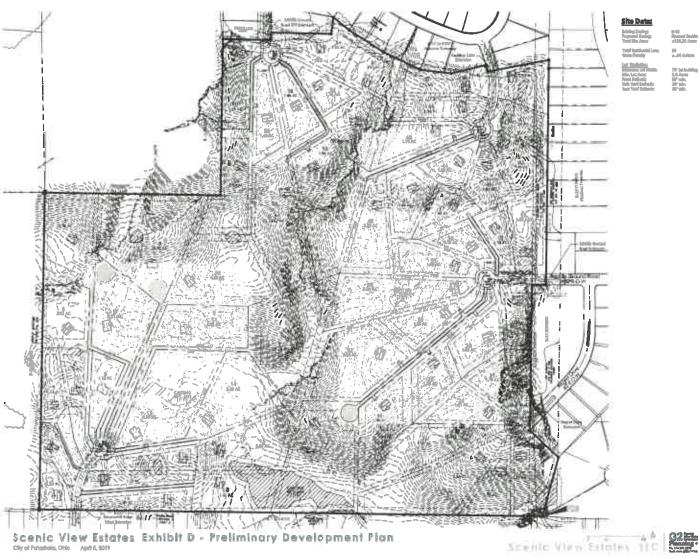
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Trad Residentifates 200
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Scenic View Estates Exhibit C - Previous Development Plan (R-10)
City of Particulate, Orlio April 5, 2019

Scenic View Estates (10 Page Peige





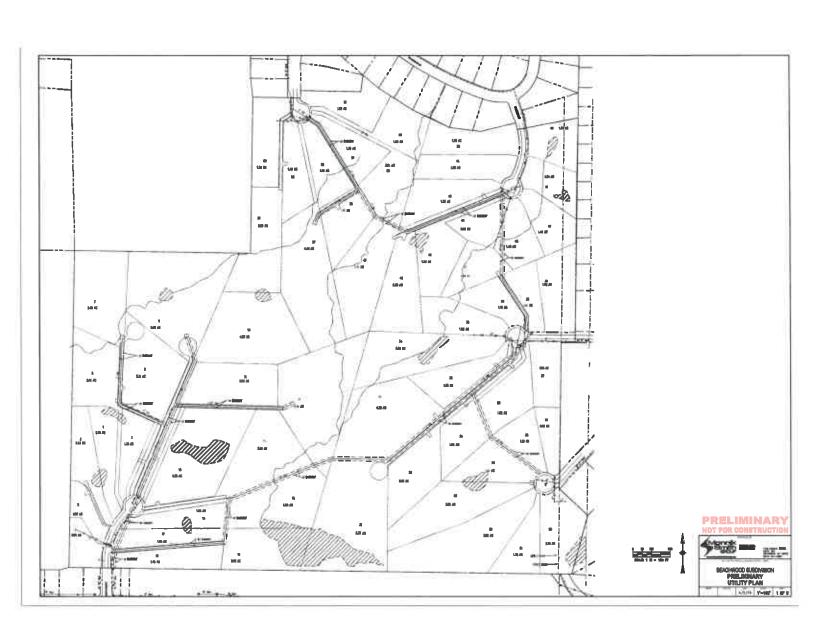


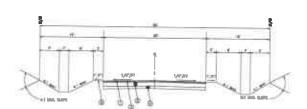


Scenic View Estates Exhibit E - Conceptual illustrative Plan City of Patrakkolo, Ohio April 4, 2017









TYPICAL RO PAVEMENT RECTION ON PROHIT-OF-WAY)
RECORRET DRIVE
MIDDLESWOUND ROAD
FAULT LESS LANS
DEVELOCATE TRUDGE VIEST

- (3) 1-1/AF ANDPART CONCRETE, SHEWARE COLUMN, TYPE 1 (448, PE 86-92) TEM 441
 (4) 1-1/AF ANDPART CONCRETE, REPORTEDATE COLUMN, TYPE 2 (448) TEM 441
 (5) 0° HERMONIUM ANDREWSCH BANK, FROM 2015
 (6) 0° CONUMEN ANDREWSCH BANK, FROM 2006
 (6) HERMONIA AND BALKERON, TRAD 4009

PRELIMINARY NOT FOR CONSTRUCTION

















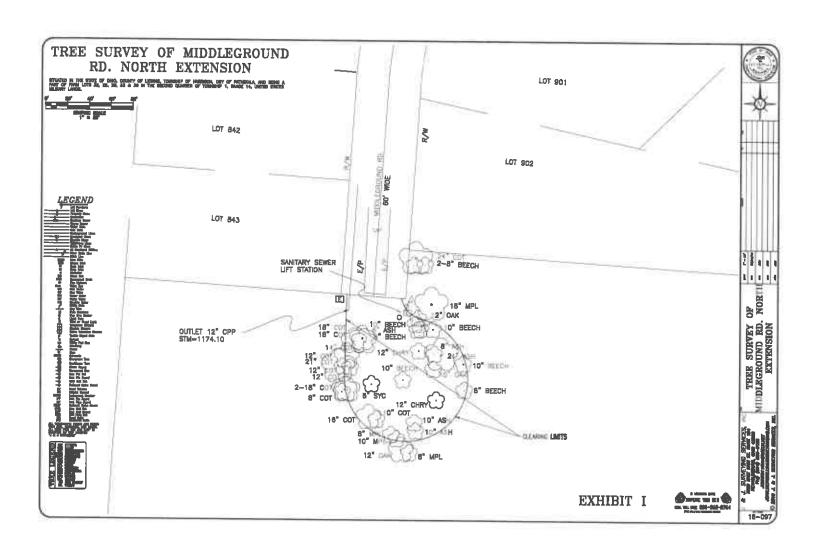


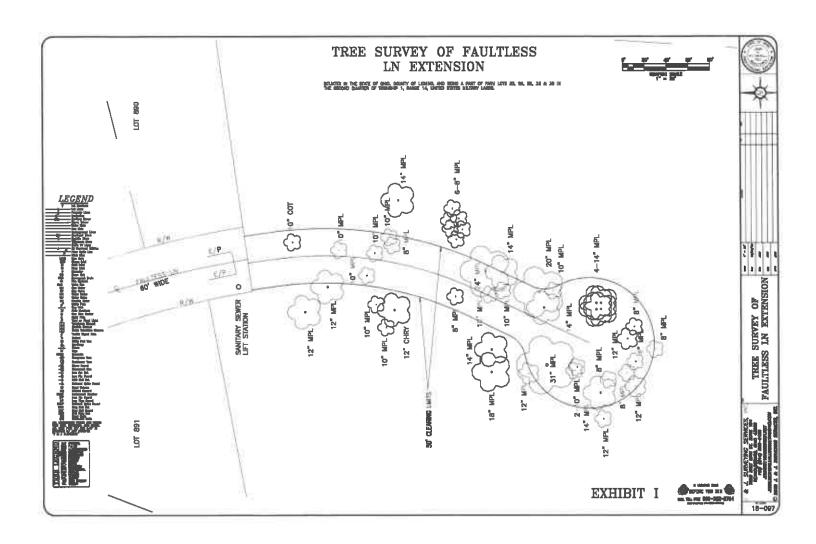


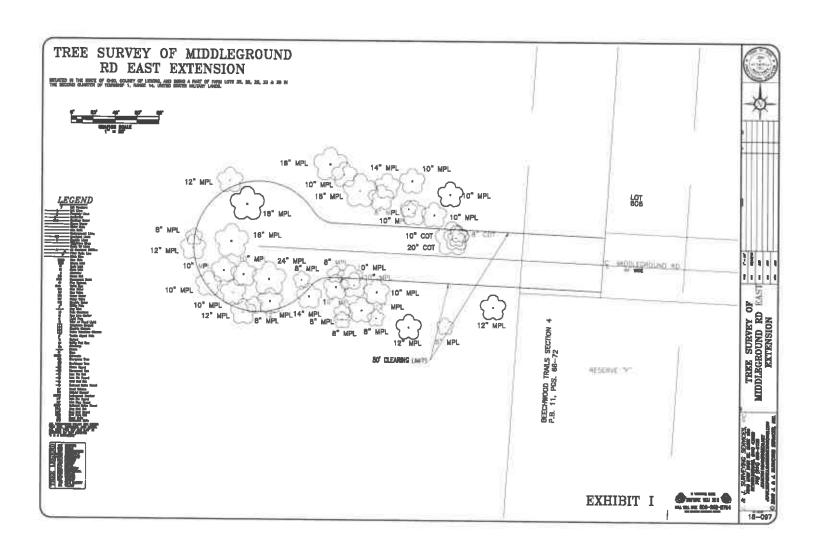


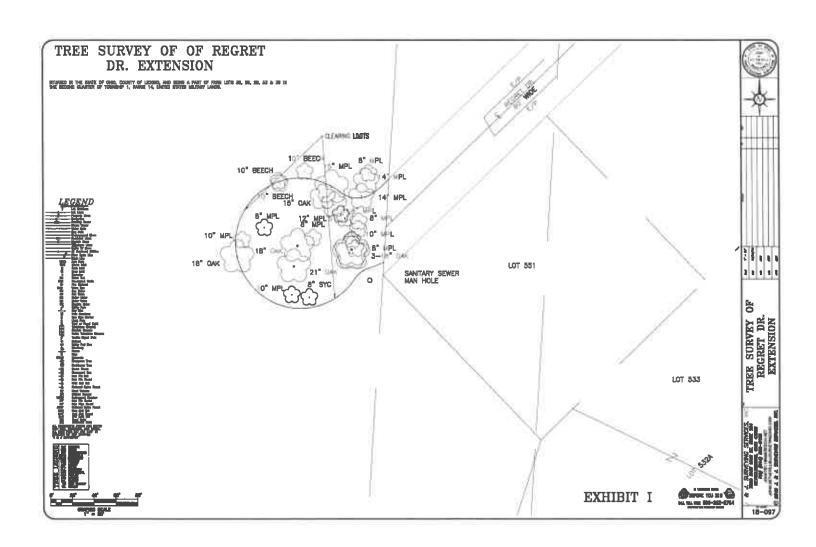
Scenic View Estates Exhibit ${\mathbb F}$ - Architectural Character Examples Chyotechology, Orto April 2019

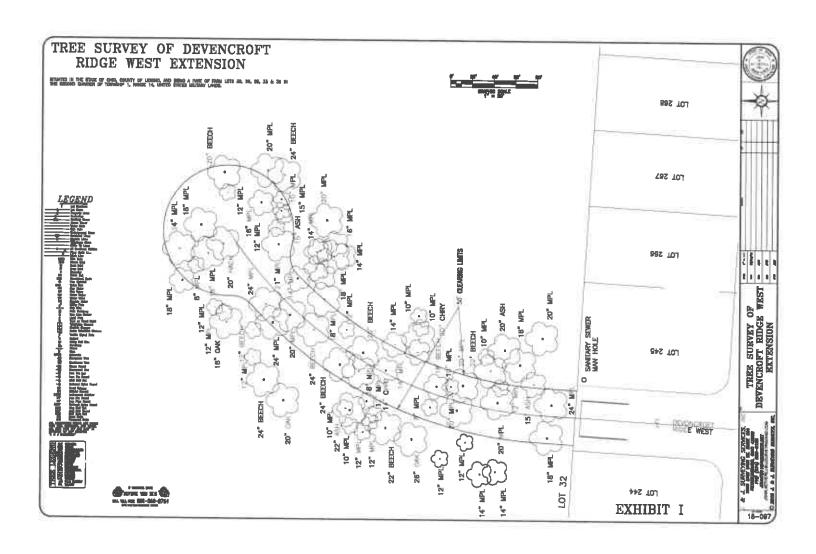














LICKING RURAL ELECTRIFICATION 11339 MT. VERNON RD. P.O. BOX 455 UTICA, OHIO 43080

February 26, 2019

Jay Barry, P.E. The Mannik & Smith Group 1160 Dublin Rd., Suite 100 Columbus, OH 43215

To whom it may concern,

In response to the request to serve the Scenic View Estates subdivision situated in Licking County, North of Keela Drive and Hazelwood Subdivision and West of Middelground Rd. and Beechwood Trails subdivision, The Energy Cooperative can, and is capable, of serving this residential development.

The Energy Cooperative currently has 3-phase and 1-phase electric facilities adjacent to the property. Should you have any further questions, please contact me.

My contact information is:

Josh Filler

Email: ifiller@theenergycooperative.com

Office: 740-348-1274 Cell: 740-624-9873

We look forward in working with you on this project.

Sincerely,

Joshua E. Filler, P.E. Manager of Engineering

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DECLARATION OF COVENANTS, EASEMENTS, RESTRICTIONS, ASSESSMENTS, AND ASSESSMENT LIENS FOR SCENIC VIEW ESTATES

Background:

The following portion hereof is provided to assist in understanding its objectives. Many of the terms used herein are defined in Article I, the Definitions portion hereof, and it is recommended that those definitions be consulted in order to understand these provisions:

A. Declarant is the in fee simple of the following REAL PROPERTY:

See attached Exhibit A

Parcel Numbers: 025-068087-00.000 annexed to 064-068087-00.000 and 064-068322-00.009

- B. "Scenic View Estates" presently consists of all the above described property, is intended to be a high-quality residential development, is located in Pataskala, Ohio, and, as future sections and parcels are developed, will encompass other property that is part of the same parcel.
- C. Pursuant to the provisions of the Development Plan, various Parcels in Scenic View Estates have been, or will be, as created, conveyed to the City of Pataskala and maintained by or through it (such as but not limited to storm water detention areas, passive green spaces parks, and public streets), or owned by it but maintained by the Community Association, (such as but not limited to pocket parks, cul-de-sac islands, boulevard central landscaped strips, and Other landscaped buffers). Other Parcels will be subjected to easements reserved to the Community Association for construction and maintenance of Scenic View Estates entryway features, the maintenance of landscaping and trees in landscape buffer areas, the maintenance of front hedges on Parcels and for various other purposes that would be of benefit to Scenic View Estates and its Owners and Occupants.
 - D. In connection with the development of Scenic View Estates there has been created the Community Association, an association of all Owners, except Owners of Common Property and Exempt Property, which, pursuant hereto, has and will have easements with respect to:
 - Maintaining the Entranceway Improvements;

- Maintenance and repair of the private roads, including, but not limited to, snow plowing, patching, sealing, overlaying, and replacement. The Owner will grant an easement to the City of Pataskala to for purposes of access to any public improvements for water and sewer lines, safety, first response, and trash removal;
- To administer and enforce covenants and restrictions in the plat, plus supplemental declarations resulting from phasing; and
- Establish a Code of Regulations that governs the collection of assessments; and
- Other such reasons as determined to be appropriate and necessary to serve the needs of all of Scenic View Estates and its Owners and Occupants; and

E. The purpose of this Community Declaration is to establish a plan for the accomplishment of the objectives of the Community Association, and to memorialize these understandings. Accordingly, by this Community Declaration Declarant is establishing various rights and responsibilities with respect to Scenic View Estates as it presently exists and the Owners of property therein, and the right to extend the same to future portions of Scenic View Estates as it may be expanded from time to time, and the Owners and Occupants of property therein.

COVENANTS. EASEMENTS, RESTRICTIONS, ASSESSMENTS, AND ASSESSMENT LIENS

NOW THEREFORE, in pursuance of a general plan for the protection. benefit, and mutual advantages of the property in Scenic View Estates as presently constituted (consisting of no more than three phases, and as it may hereafter be constituted, Declarant hereby declares that all of this property shall be held, sold, conveyed and occupied subject to the following covenants, easements, and restrictions, which are for the purpose of protecting the values and desirability of, which shall run with the title to, each part of Scenic View Estates and be binding on all parties having any right, title or interest therein, and each part thereof, and their respective heirs, successors and assigns, and which shall inure to the benefit of and be enforceable by Declarant, each owner of property in Scenic View Estates, the Community Association, and their respective heirs, successors, and assigns:

ARTICLE I- DEFINITIONS

The following terms used in this Community Declaration shall have these meanings, unless the context requires otherwise:

1. "Additional Property" property that may in the future be subjected of record in the County in which it is located to the plan provided herein, and consists of all or any part of property determined by Declarant, in its sole and unfettered discretion, as property to be part of Scenic View Estates and subjected to the provisions hereof, and may include any property described in item B of the Background Section of this Declaration and property adjacent to or contiguous with property a part of Scenic View Estates as it is then constituted.

- 2. "Architectural Review Committee" the group of individuals having the power and authority to establish and enforce architectural standards governing the construction, replacement and modification of Improvements in Scenic View Estates.
- 3. "Articles" and "Articles of Incorporation" the articles, when filed with the Secretary of State of Ohio, incorporating Scenic View Estates Homeowners' Association, Inc. (the "Community Association") as a nonprofit corporation under the provisions of Chapter 1702 of the Revised Code of Ohio ("Chapter 1702").
- 4. "Assessments" charges levied by the Community Association on Parcels and their Owners, consisting of Operating Assessments, Special Assessments, and Individual Parcel Assessments.
 - 5. "Board" the Board of Directors of the Community Association.
- 6. "Code of Regulations" and "Code" the code of regulations of the Community Association (often referred to as "bylaws") created under and pursuant to the provisions of Chapter 1702, establishing certain administrative and operating rules and procedures for the Community Association.
- 7. "Common Expenses" costs and expenses incurred by the Community Association in fulfilling its functions.
- 8. "Common Property" all real and personal property, including easements, now or hereafter acquired by the Community Association pursuant to the provisions hereof, or in deed restriction in a deed or deeds to the City of Pataskala, Ohio, or otherwise, for the common use and the enjoyment of the Owners and Occupants in Scenic View Estates or for the operation of the Community Association.
- 9. "Community' Association" an association of all of the Owners of property in Scenic View Estates, at any time, except Owners of Exempt Property and Common Property, with respect to that property. It has been incorporated as an Ohio non-profit corporation named "Scenic View Estates Homeowners' Association, Inc."
- 10. "Declarant" Scenic View Estates, LLC and any successor or assign to which it specifically assigns any of its rights and which assumes its obligations hereunder by a written instrument.
- 11. "Development Plan" the plan adopted through the City Council of the City of Pataskala's zoning approval on _______ 2019, including a Preliminary Development Plan dated ______ and duly adopted amendments thereto made heretofore or hereafter, for Scenic View Estates, establishing permitted uses, and limitations thereon, Improvement requirements and specifications, and various Other requirements and limitations with respect to Scenic View Estates. The Development Plan, as amended from time to time, will be available for review and copy at the offices of Declarant, and is incorporated herein by this reference.

- 12. "Entranceway Improvements"—Improvements made at the various entrances of the Community, including, but not limited to, gates, monument signage, hard and softscapes, and other improvements.
- 13. "Exempt Property" the portion of the real property comprising Scenic View Estates (a) now or hereafter dedicated to common public use or owned by the United States, the State of Ohio, Licking County, the City of Pataskala, any school board, or similar governmental body, or any instrumentality or agency or any such entity, for so long as any such entity or any such instrumentality or agency shall be the owner thereof, or (b) owned by the Community Association, provided, in any such case the same is not utilized as a residence.
- 14. "Governing Documents" the Community Association's Articles of Incorporation, Code of Regulations, its lawful Rules, and all amendments thereto, the Development Plan, applicable building and zoning laws, this Community Declaration and amendments made hereafter, and the provisions of subdivision and other plats of property in Scenic View Estates, present and future.
- 15. "Improvements" all dwellings, buildings, outbuildings, sheds, garages and other structures; overhead, aboveground and underground installations, including without limitation, utility facilities and systems, lines, pipes, wires, towers, cables, conduits, poles, antennae and satellite dishes flagpoles; swimming pools, hot tubs, spas, and tennis and all other types of walkways, and recreational courts, fixtures and facilities, including tree houses, play houses, children's recreational equipment or structures, basketball hoops and playground equipment; pet houses, runs, and enclosures; changing of colors or materials; exterior lighting; slope and drainage alterations; roads, driveways, uncovered parking areas and other such areas; fences, mailboxes; trellises, walls, retaining walls, exterior stairs, decks, patios and porches; planted trees, herbaceous hedges, shrubs and other forms of landscaping that are more than thirty (30) feet high when fully grown; and all other structures or improvements of every type, constructed or maintained in Scenic View Estates and visible to public view.
- 16. "Individual Parcel Assessment" an assessment that the Board may levy upon a Parcel and its Owners to reimburse the Community Association for costs incurred solely on behalf of that Parcel, or the Owners thereof, including without limitation, administrative charges for Rules violations, late charges, and interest on delinquent assessments, and costs of collection of delinquent obligations to the Community Association, including attorney's fees and court costs, and all other charges reasonably determined by the Board to be chargeable solely to that Parcel and its Owner or Owners.
- 17. "Lot" a discrete parcel of real property now or hereafter identified upon a recorded subdivision plat of property in Scenic View Estates, or any portion thereof, or recorded re-subdivision thereof, and any other discrete parcel of real property designated as a Lot by Declarant and subjected to the provisions of this Community Declaration,

excluding Exempt Property, Common Property, and any other property dedicated for public use.

- 18. "Manager" a Person retained by the Board to assist in the management of the Community Association.
- 19. "Member" any Person who is an Owner is a "Member" of the Community Association during the period of time that Person is an Owner, as hereinafter defined, excepting in all cases, Owners of Exempt Parcels or Common Property with respect to those Parcels.
- 20. "No Disturb Areas"—buffer zones of twenty-five (25) feet from any wetlands and intermittent stream banks as identified on the final plat.
- 21. "Occupant" an individual lawfully residing in a dwelling on a Parcel, regardless of whether that individual is an Owner.
- 22. "Operating Assessments" assessments that the Board may levy upon all Parcels and their Owners, other than Common Property, Exempt Property and their Owners, pursuant to the terms of this Community Declaration, to provide funds to pay Common Expenses.
- 23. "Owner" the record Owner, whether one or more Persons, of fee simple title to a Parcel, excluding vendors under recorded land installment contracts, but including the vendees, and excluding all others having an interest in a Parcel merely as security for performance of an obligation.
- 24. "Parcel" a distinct and separate parcel of real estate in Scenic View Estates for real estate taxation and conveyance purposes, as shown in the records of the Auditor of Licking County, Ohio from time to time. In the case of subdivisions, each Lot therein becomes a separate Parcel upon the filing of a plat creating those Lots with the Recorder of Licking County, Ohio, and in the case of condominiums, each Unit becomes a Parcel at the time the same is so designated in a declaration of condominium or amendment thereto creating the same recorded with the Recorder of Licking County, Ohio.
- 25. "Person" a natural individual, corporation, limited liability company, partnership, trustee, or other legal entity capable of holding title to real property.
- 26. "Reserves" funds that may be charged and collected to meet future needs of the Community Association, including the cost of maintaining private roads.
 - 27. "Rules" the rules and regulations established by the Board from time to time.
- 28. "Special Assessment" an assessment that the Board may levy upon all Parcels and their Owners, except Common Property and Exempt Property and their Owners, to pay for unanticipated operating deficiencies (other than those to be subsidized by Declarant), or to

pay for capital expenditures not regularly budgeted and not to be paid out of reserves, such as costs for major capital improvement replacements and for major new capital improvements.

- 29. "Scenic View Estates" property that at any time has been subjected to the provisions of this Declaration, initially includes all of the property described as Scenic View Estates Phase 1 and Scenic View Estates Phase 2, and may be expanded to encompass all or any part of the Additional Property, as herein described.
- 30. "Turnover Date" the date on which Declarant relinquishes its exclusive right to appoint all members of the Board, which date shall be when Scenic View Estates has been fully developed, all Improvements completed, and all Parcels have been sold and conveyed to bona fide purchasers, provided Declarant reserves the right, in its sole and unfettered discretion, to turn over control of the Community Association, or various functions thereof, at such earlier time as it determines in its sole and unfettered discretion.

ARTICLE II - GOALS

The covenants, easements, conditions and restrictions contained in this Community Declaration are declared to be in furtherance of the following purposes:

- These covenants, easements, conditions, and restrictions shall apply to each Lot within Scenic View Estates.
- Promotion of the health, safety and welfare of all Owners and Occupants of property in Scenic View Estates.
- Ownership, preservation, beautification and maintenance of Scenic View Estates' Common Property and all Improvements thereon;
- Enforcement of architectural controls and restrictions applicable to property in subject hereto;
- Compliance with all zoning and similar governmental regulations applicable to property subject hereto; and
- Provide for mandatory membership of Parcel Owners in Scenic View Estates, other than Owners of Exempt Property or Common Property, as it may be constituted, from time to time, in the Community Association, and the assessment for and collection of funds to fulfill its objectives.

ARTICLE III - PROPERTY SUBJECT HERETO

The property subject to the provisions hereof shall consist of Scenic View Estates, as it is now constituted, as described in item A of the Background section of this Community Declaration, every Lot in Scenic View Estates, and such portions of the Additional Property as may be subjected to the provisions hereof either by reason of an amendment hereto, a requirement set forth on a subdivision plat or a declaration of condominium or amendment thereto, an instrument of transfer or conveyance, or a transfer by operation of law. Declarant

shall have the right and power, but neither the duty nor the obligation, in its sole and unfettered discretion, and by its sole act, to subject all or any part of the Additional Property to the provisions hereof at any time and from time to time by executing and recording with the Recorder of Licking County, Ohio, an amendment to this Declaration specifying that such Additional Property is part of Scenic View Estates. Such an amendment made by Declarant shall not require the joinder or signature of the Community Association, other Owners, mortgagees, or any other Person. In addition, such amendments to this Declaration may contain such supplementary, additional, different, new, varied, revised or amended provisions as may be necessary or appropriate, as determined by Declarant, to reflect and address the different character or intended development of any such Additional Property.

ARTICLE IV - THE COMMUNITY ASSOCIATION

- A. The purposes of the Community Association are to:
- 1. have easements with respect to, or own, and repair, maintain and regulate use of, various facilities and amenities in Scenic View Estates that benefit all of Scenic View Estates and its Owners and Occupants, eventually including, without limiting the generality of the foregoing, storm water detention areas, passive green space, pocket parks, cul-de-sac islands, central strips in boulevards, landscaped buffer strips, Scenic View Estates entryway Improvements, and such other Improvements and amenities as serve all of Scenic View Estates, as set forth herein, and as hereafter initially determined by Declarant, and after the Turnover Date, by the Community Association's Board;
- 2. administer and enforce the provisions of the Governing Documents of the Community Association;
- 3. enter into and perform agreements with vendors or other third parties for maintenance and management service; and
 - 4. assess, collect and disburse funds necessary to fulfill these purposes.
- B. <u>Continued Existence</u>. The Community Association shall have perpetual existence, unless no less than 80% of the Owners vote to terminate the existence of the Community Association after the first thirty (30) years of its existence.
- C. <u>Membership</u>. The Community Association is an association of all Owners of Parcels in Scenic View Estates, except owners of Common Property and Exempt Property. Its sole member presently is Declarant. As Scenic View Estates is being and will be subdivided into Parcels, the Owner or Owners thereof, from time to time, (except owners of Common Property and Exempt Property, if any), shall, upon the subjection thereof to the provisions hereof, automatically become and be Members during such time as they are Owners with respect to those Parcels. Those Parcels shall be held, sold and conveyed subject to the requirement that the Owners thereof be Members during the time they are Owners, regardless of whether or not such requirement is set forth on a subdivision plat, declaration of condominium, or amendment thereto, or instrument of transfer or conveyance, or the

transfer is by operation of law, or amendment hereto, or otherwise. Membership is and shall be appurtenant to and inseparable from status as an Owner, and automatically arises at the time the fee simple interest in a Parcel subject hereto is transferred of record, or by law, or in the case of a recorded land installment contract, at the time the same is recorded. Voting rights of Members are set forth in the Code of Regulations. Each Member shall be accorded one (1) vote per Parcel owned.

- D. Membership Fees. Each time that there is a transfer of a Parcel subject hereto, (other than Common Property or Exempt Property) to a bona fide purchaser, that Parcel and its purchasers or purchasers shall be assessed and there shall immediately become due and payable to the Community Association upon the conveyance a membership fee for membership in the Community Association in the amount of One Hundred Dollars (\$100.00). This membership fee shall constitute an Individual Parcel Assessment, as provided herein, and shall be utilized by the Community Association in furtherance of its purposes, is not in lieu of any other Assessments, and is not transferable where a Parcel is transferred. Further membership dues to the Community Association shall become due and owing effective the date of transfer of that Parcel.
- E. <u>Powers: Authority: Duties</u>. The Community Association shall have all the rights, powers, and duties established, invested, or imposed on it pursuant to the provisions of the Governing Documents, and the laws of the State of Ohio applicable with respect to Ohio non-profit corporations. Among other things, the Community Association, through its Board, shall have the power to own and/or hold easements with respect to and maintain, Common Property, enforce and administer the restrictions and covenants applicable to all or any part of Scenic View Estates, levy and collect assessments, collect and maintain reserves for replacements and anticipated expenditures, enter into contracts, and take such other actions as its Board deems appropriate to its purposes. The Community Association shall not have the power or authority to expend or agree to expend in any calendar year an amount in excess of fifty dollars (\$50.00) times the number of Parcels then subject to Operating Assessments for <u>new</u> capital improvements not replacing existing improvements without the approval of Members exercising a majority of the voting power of Members.
- F. <u>Declarant's Role.</u> The Declarant shall maintain control over the Community Association until such time as the last Lot is sold by the Declarant. The Declarant shall provide the initial funding for the Community Association, and to cover any shortfalls during the lot sale period.
- G. Architectural Review Committee. An architectural review committee (ARC) will be formed to maintain standards and shall have thirty (30) days to approved Lot owner's or a builder's proposed plans. All proposed plans and specifications are to be completed to a degree by an architect to be satisfactory to the ARC prior to submission to the ARC. Lot owners may not commence construction of any structure prior to receiving zoning clearance and a building permit for any improvement. Further, all proposed remodeling and alterations to existing residences must also be approved by the ARC. The ARC shall

have the authority to grant variances to the rules set forth herein subject to approval by the City of Pataskala and applicable zoning ordinances.

H. Rules. The Community Association through its Board may make and enforce reasonable Rules governing the use of the Common Property, the levying and collection of assessments for the operation of the Community Association, the levying and collection of administrative charges for the infraction of Rules, and for other purposes consistent with its goals. All of such Rules shall be consistent with the provisions of the Governing Documents. The Community Association shall have the power to impose sanctions on Owners, including, without limitation: (i) reasonable monetary administrative charges which shall be considered Individual Parcel Assessments; (ii) suspension of the right to vote as a Member of the Community Association; and (iii) suspension of the right of the Owner and that Owner's Occupants, licensees, and invitees, to use the Common Property for a period not exceeding sixty (60) days, for any infraction of Rules. In addition, the Board shall have the power to seek relief in any court for violations of or to abate violations Of Rules. If the Board expends funds for attorney's fees or litigation expenses in connection with enforcing any provision of Rules, or otherwise the amount so expended shall be due and payable by the Owner or Owners of the Parcel whose Owner; Occupant. licensee or invitee violated that Rule, and the same shall be an Individual Parcel Assessment against such Owner or Owners' Parcel and such Owner or Owners,

I. <u>Implied Rights</u>. The Community Association may exercise any other right or privilege given to it expressly by the laws of the State of Ohio or any provision of the Governing Documents, and every other right or privilege reasonably implied from the existence of any right or privilege granted thereby, or reasonably necessary to effect any such right or privilege.

J. Managing Agent. The Board may retain and employ on behalf of the Community Association a Manager, which may be Declarant, and may delegate to the Manager such duties as the Board might otherwise be authorized or obligated to perform. The compensation of the Manager shall be a Common Expense, the term of any management agreement and shall allow for termination by either party, without cause, and without penalty, upon no more than ninety (90) days prior written notice.

K. Insurance.

- 1. Fire and Extended Coverage. The Community Association may, with respect to insurable property or interests owned by it, obtain and maintain insurance for all insurable buildings, structures, fixtures and equipment and common personal property, now or at any time hereafter constituting a part of the Common Property, against loss or damage by fire, lightning, and such other perils as are ordinarily insured against by standard coverage endorsements, with such limits and coverage as is deemed appropriate by the Board. This insurance, if obtained:
- (a) shall provide that no assessment may be made against an institutional mortgage lender, or its insurer or guarantor, and that any assessment under such policy made against

others may not become a lien on any Parcel, and its appurtenant interest, superior to the lien of such mortgage;

- (b) shall be obtained from an insurance company authorized to write such insurance in the State of Ohio which has a current rating of Class BNI, or better, or, if such company has a financial rating of Class V, then such company must have a general policy holder's rating of at least A, all as determined by the then latest edition of Best's Insurance Reports, or its successor guide, or, if the insurer does not satisfy these rating requirements, that insurer is reinsured by a company that has a B/VI or better rating; (c) shall be written in the name of the Community Association; and
- (c) unless otherwise determined by the Board, shall contain a waiver of subrogation of rights by the carrier as to the Community Association, its Officers, Directors, and Members.
- 2. Liability Coverage. The Community Association shall obtain and maintain a comprehensive policy of general liability insurance covering all of the Common Property insuring the Community Association, the Directors, and its Members, with such limits as the Board of Directors may determine, but no less than the greater of (a) the amounts generally required by private institutional mortgage investors for projects similar in construction, location and use, including the private roads in the community, and (b) \$1 million for bodily injury, including deaths of persons, and property damage, arising out of a single occurrence. This insurance shall contain a "severability of interest" endorsement which shall preclude the insurer from denying the claim of any Member because of negligent acts of the Community Association, the Board, or any Director, Officers or other Members, and shall include, without limitation, coverage for legal liability of the insureds for property damage, bodily injuries and deaths of persons in connection with the operation, maintenance or use of the Common Property, and other legal liability, including liability under contractual indemnity clauses and liability arising out of lawsuits related to any employment contracts of the Community Association. Each such policy must provide that it may not be canceled or substantially modified by any party, without at least ten days prior written notice to the Community Association.
- 3. Other. The Community Association may, in the Board's discretion, obtain and maintain the following insurance: (a) fidelity bond coverage and workers' compensation insurance for all Officers, Directors, Board Members and employees of the Community Association and all other persons handling or responsible for handling funds of the Community Association, (b) Officers' and Directors' liability insurance, (c) additional insurance against such other hazards and casualties as is required by law, and (d) any other insurance the Board deems necessary.
- 4. <u>Use of Proceeds</u>. In the event of damage or destruction of any portion of the Common Property, the Community Association shall promptly repair or replace the same, to the extent that insurance proceeds are available. Each Member hereby appoints the Community Association as its attorney-in-fact for such purpose. If such proceeds and reserves are insufficient to cover the cost of the repair or replacement, then the Board may levy a Special Assessment pursuant to the provisions hereof to cover the additional costs.

- 5. <u>Condemnation</u>. The Community Association through its Board shall represent the Members in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority for acquisition of the Common Property, or any portion thereof. Each Member hereby irrevocably appoints the Community Association as that Member's attorney-in-fact for such purpose. The awards or proceeds of any condemnation action shall be payable to the Community Association, to be held and used for the benefit of the Members, as determined by the Board.
- K. <u>Books and Records</u>. Upon reasonable request of any Member, the Community Association shall be required to make reasonably available for inspection and copy all books, records and financial statements of the Community Association.

ARTICLE V - THE COMMON PROPERTY

- A. Property To Be Subject. The Common Property shall consist of the following:
- 1. those Parcels of real estate that are created by subdivision or other plat and specified thereon to be conveyed to an association of the owners of property in Scenic View Estates, or portions thereof;
- 2. easements to areas in Scenic View Estates owned by the City of Pataskala but to be maintained and by such an association;
- 3. all property, real and personal, that Declarant determines to be Common Property, and so designates, and that benefits all of Scenic View Estates and its Owners; and
- 4. such property, real and personal, and/or property rights that the Board deems desirable and acquires to fulfill the goals of the Community Association.
- B. <u>Common Roads and Access Points.</u> Common access drives and private streets to be maintained to public service satisfaction including fire and police departments. The Community Association shall also be responsible for the maintenance of all Entranceway Improvements, including such electric, openers, structural repair, battery backup, keypad installation, remote controls, and any other similar items required.
- C. <u>Vesting of Interests</u>. Easement rights to the Community Association set forth in subdivision or other plats and condominium declarations and amendments thereto shall become Common Property and vested in the Community Association upon the recording of those documents. Property owned by Declarant or its successors and assigns, so designated in a subdivision or other plat to be owned by an association of the owners of property in Scenic View Estates, shall be conveyed to the Community Association by Declarant forthwith upon the recording of such subdivision or other plat by limited warranty deed, free and clear of all encumbrances except easements of record and the lien of general real estate taxes not then payable. Community Association may also acquire, hold, manage, operate, maintain, improve, mortgage and dispose of tangible and intangible personal property and real

property in addition to that property conveyed to it by Declarant. The Community Association shall accept "as is" the conveyance of such property without any representation or warranty, express or implied, in fact or by law, with respect thereto, including, without limitation, representations or warranties of merchantability or fitness for the ordinary or any particular purpose, and without any representations or warranties regarding future repairs or regarding the condition, construction, accuracy, completeness, design, adequacy of the size or capacity in relation to the utilization, or the future economic performance or operations of, or the materials or furnishings which has been or will be used in such property or repairs. By acceptance of title to any Common Property, the Community Association and all Owners release Declarant from any claims and warrant that no claim shall be made by the Community Association or any Member or Owner relating to the condition, construction, design, capacity, operation, use, accuracy, adequacy or completeness of such property or repairs or for incidental or consequential damages arising therefrom.

- C. <u>Disposition or Mortgaging of Common Property</u>. No Common Property shall be disposed of except as otherwise provided or permitted in the Governing Documents, provided that, in any event, no Common Property may be mortgaged or conveyed without the consent of Members exercising a majority of the voting power of Members.
- D. <u>Architectural Review</u>. Improvements on the Common Property shall be subject to the same architectural review process and approval requirements as all other property in Scenic View Estates, as provided in Article X hereof.

<u>ARTICLE VI - ASSESSMENTS</u>

A. <u>Types of Assessments</u>. Subject to the provisions of this Article, each Parcel, and its Owner or Owners, excluding Common Property, Exempt Property, and their Owners, shall be subject to the following assessments:

- 1. Operating Assessments:
- 2. Special Assessments; and
- 3. Individual Parcel Assessments;

established, assessed, and collected, as set forth in this Article VI, and subject to the provisions set forth herein. No Owner may gain exemption from liability for any assessment by waiving or foregoing the use or enjoyment of any of the Common Property, or by abandoning that Owner's Parcel.

- B. Operating Assessments. For the purposes of providing funds to pay:
- the cost of the maintenance, repair and replacement of Common Property;
- maintaining (fertilizing, mulching, replanting as necessary, and pruning) in the Common Property;
- the costs for insurance and bond premiums to be provided and paid for by the Community Association;

- the cost for utility services, if any, charged to or otherwise properly payable by the Community Association;
- the estimated amount required to be collected to maintain a general operating reserve to assure availability of funds for normal operations of the Community Association, in an amount deemed adequate by the Board;
- an amount deemed adequate by the Board to maintain a reserve for the cost of unexpected repairs and replacements of capital improvements and for the repair and replacement of major improvements for which cash reserves over a period of time in excess of one year ought to be maintained; and
- the costs for the operation, management and administration of the Community Association, including, but not limited to, fees for property management, landscaping, caring for and maintaining the herbaceous hedges along the frontage of each Lot, mowing, planting, lighting; pavement maintenance. snow and ice removal and mitigation, fees for legal and accounting services, costs of mailing, postage; supplies and materials for operating the Association, and the salaries, wages, payroll charges and other costs to perform these services, and any other costs of operations of the Community Association not otherwise herein specifically excluded;

all of which shall constitute Common Expenses, the Board shall establish, levy, and collect Operating Assessments in accordance with the following:

- 1. <u>Establishment</u>. Prior to the closing of the sale of the first Parcel with a dwelling on it to a bona fide purchaser, the Board shall determine the total of those estimated funds needed for the balance of that calendar year from the anticipated time of that first closing, and on or before the first day of each calendar year thereafter the Board shall determine the total of those estimated funds needed for that ensuing calendar year.
- 2. <u>Apportionment</u>. For such part year, and for each calendar year thereafter, the Board shall apportion an equal pro rata share of such estimated Common Expenses to each Parcel reasonably anticipated to be subject to the same, and assess each Parcel and its Owner or Owners an equal share.

3. Assessment.

A. As to Lots: Each Lot and its Owner or Owners shall, after the Lot has been conveyed to a bona fide home purchaser, or such time as a builder utilizes the property as a residence, be assessed Operating Assessments for that calendar year, or part year, provided that the apportioned amount per Parcel determined as provided in Item 2, above, for the remainder of that calendar year, shall be prorated in the proportion that the number of full calendar months remaining in that calendar year from the time the Lot became subject to Operating Assessments is to twelve. Lot Assessments are to be allocated by cul-de-sac. Fees will vary from each cul-de-sac based on area of private road, number of lots, lineal feet of common access drive. Entranceway Improvements should be the same at each entrance. These fees will be established and allocated once the quantities and costs are known.

From time to time, there may need to be different categories/levels of lot owners for purposes of assessments. Lot Owners may be required to contribute to assessments even before their home is constructed, but the amount assessed will be adjusted once the home is constructed. Nobody living on a cul-de-sac shall be required to pay for the assessments of any other owner on that cul-de-sac.

- B. Notwithstanding the foregoing, or any provisions hereof, until the earlier of the Turnover Date or five years from the time Operating Assessments are first charged with respect to any Parcel, Declarant shall subsidize those costs to the extent those costs exceed the sum of \$600.00 per year per Parcel so assessed.
- C. <u>Due Dates</u>. The Operating Assessments shall be due in monthly, quarterly, semiannual, or annual installments, as the Board may from time to time determine. Notice of Operating Assessments, or if payable in installments, the dates those installments are due, shall be given to the Owners charged to pay the same not less than ten (10) days prior to the date the Operating Assessment, or first installment thereof, is due.
- D. <u>Special Assessments</u>. The Board may allocate to Parcels subject to Operating Assessments Special Assessments to pay for additional Common Expenses such as permitted capital expenditures, interest expense on indebtedness incurred for the purpose of making capital expenditures and not to be paid out of reserves, unanticipated operating deficiencies (other than those which are to be subsidized by Declarant) or any other purpose determined appropriate by the Board in furtherance of its functions hereunder. Those Special Assessments shall be allocated among Parcels on the same basis as Operating Assessments are to be allocated, and shall be due and payable on such basis and at such times as the Board directs, provided that no such Special Assessment shall be due and payable on fewer than thirty (30) days written notice.
- E. Individual Parcel Assessments. The Board may levy an Individual Parcel Assessment against any Parcel and the Owners thereof (other than Common Property and Exempt Property and their Owners) to reimburse the Community Association for costs incurred on behalf of that Parcel, or charged to a Parcel, as a consequence of any act or omission by any Owner, occupant, or invitee thereof, including without limitation, administrative and enforcement charges by the Community Association reasonably determined by the Board to be an Individual Parcel Assessment. By way of illustration, the Board may levy an Individual Parcel Assessment in the nature of an administrative charge reasonably determined by the Board against a Parcel of any Owner or Owners who violate the Rules, or any provision of the Governing Documents, or who suffer or permit the Members, guests, invitees or tenants of that Owner's or Owners' Parcel to violate the same. Upon its determination to levy an Individual Parcel Assessment, the Board shall give the affected Owner or Owners written notice and the right to be heard by the Board or a duly appointed committee thereof in connection with such assessment ten (10) days prior to the effective date of the levy of any such assessment.
- F. <u>Late Charges</u>. If the assessment remains unpaid for ten days after it becomes due and payable, the Board may charge interest on the entire unpaid balance from and after that

date at the lesser of the rate of ten percent per annum or the highest rate permitted by law, together with a reasonable administrative collection charge, as established by the Board.

- G. <u>Liability for Unpaid Assessments</u>. Each such assessment, together with interest thereon and any costs of collection, including reasonable attorneys' fees, shall become the personal obligation of the Owner or Owners of the Parcel charged the same (joint and several, if more than one Owner) beginning on the date the assessment became due and payable. The Board may authorize the Community Association to institute an action at law on behalf of the Community Association against the Owner or Owners personally obligated to pay any delinquent assessment.
- H. Liens. All unpaid assessments, together with any interest and charges thereon or costs of collection, shall constitute a continuing charge in favor of the Community Association and a lien on the Parcel against which the assessment was levied. If any assessment remains unpaid for ten (10) days after it is due, then the Board may authorize any Officer or appointed agent of the Community Association to file a certificate of lien for all or any part of the unpaid balance of that assessment, together with interest and collection costs, including attorneys' fees, with the Recorder of Licking County, Ohio. The certificate shall contain a description of the Parcel which the lien encumbers, the name of the Owner or Owners of that Parcel, and the amount of the unpaid portion of the assessment. The certificate may be signed by any authorized Officer, or agent, or the Manager of the Community Association or its authorized representative. Upon the filing of the certificate, the subject Parcel shall be encumbered by a continuing lien in favor of the Community Association. The assessment lien shall remain valid for a period of five years from the date such certificate is duly filed, unless the lien is released earlier or satisfied in the same manner provided by the law of the State of Ohio for the release and satisfaction of mortgages on real property, or until the lien is discharged by the final judgment or order of any court having jurisdiction.
- I. <u>Subordination of Lien</u> The lien of the assessments provided for herein shall be subject and subordinate to the lien of any duly executed first mortgage on the Parcel recorded prior to the date on which such lien of the Community Association arises, and any holder of such first mortgage which comes into possession of a Parcel pursuant to the remedies provided in the mortgage, foreclosure of themortgage, or deed or assignment in lieu of foreclosure, and any purchaser at a foreclosure sale, shall take the property free of any claims for unpaid assessments against the mortgaged Parcel which became due and payable prior, in the case of foreclosure, to the date of the sale, and, in all other cases, to the date legal title vested in the successor Owner.
- J. <u>Contested Lien.</u> Any Owner or Owners who believe that an assessment chargeable to that Owner or Owner's Parcel (for which a certificate of lien has been filed) has been improperly charged against that parcel may bring an action in the Court of Common Pleas Licking County, Ohio, for the discharge of that lien and/or a declaratory judgment that such assessment was unlawful. The filing of such action shall not be grounds for an offset or to withhold payment. In any such action, if it is finally determined that all or a portion of the assessment charged to that Parcel was wrongfully charged, the Court shall make such order

as is just, which may provide for a discharge of record of all or a portion of that lien and a refund of the assessment or portion thereof determined to be unlawful.

K. <u>Notice of Discharge</u>. The Board shall, upon demand, for a reasonable charge, furnish a certificate signed by a designated representative of the Community Association, setting forth whether the assessments on a specified Parcel have been paid. This certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

L. <u>Suspension of Vote and Use of Common Property</u>. If any assessment remains unpaid for thirty (30) days after it becomes due, then the delinquent Owner's voting rights upon Community Association matters and privileges to use the Common Property, and to vote, as a Member of the Community Association, shall be suspended until such Assessment is paid. In any case, suspension of any such rights shall be subject to the right of an Owner, Occupant, or their licensees or invitees, to necessary ingress and egress to and from that Owner's Parcel.

ARTICLE VII - EASEMENTS AND LICENSES

A. Easement of Enjoyment of Common Property. Every Owner shall have a right and easement (in common with all other Owners) of enjoyment, upon the Common Property, which right shall be appurtenant to, and shall pass with the title to, that Owner's Parcel, subject to the terms and limitations set forth herein and subject to the Rules. An Owner may delegate that Owner's rights of enjoyment to Occupants, licensees and invitees,

B. Right of Entry for Repair. The duly authorized agents, officers, contractors, and employees of the Community Association shall have a right of entry and access to the property subject hereto, for the purpose of performing the Community Association's rights or obligations set forth herein, The Community Association may enter any Parcel to maintain, repair; and replace the Common Property, if necessary.

ARTICLE VIII- PROTECTIVE COVENANTS AND RESTRICTIONS

A. <u>General</u>. All property in Scenic View Estates, subject to the provisions of this Community Declaration, and Additional Property subjected to the provisions hereof, shall be subject to the provisions of the Development Plan and the provisions of any plat, as the same may be amended or modified from time to time. Except as otherwise provided herein, all Parcels, except Exempt Property and Common Property, shall be subject to the provisions of the following sections B through E of this Article VIII:

B. Parcel Usages.

1. Residential Uses. Except as otherwise specifically provided in this Community Declaration, no Parcel shall be used for any purpose other than that of a residence for individuals living together as a single housekeeping unit, and uses customarily incidental thereto; provided, however, that no residence may be used as a rooming house, group home,

commercial foster home, fraternity sorority house, or any similar type of lodging, care or treatment facility, Notwithstanding the foregoing: (a) an occupant maintaining a personal or professional library, keeping personal business or professional records or accounts, conducting personal business making professional telephone calls or corresponding in or from a residence, is engaging in a use expressly declared customarily incidental to residential use and is not in violation of these restrictions; and (b) during the construction and initial sales period, Parcels and Common Property, if any, may be used for construction and sales purposes and sales models by builders and developers, until all Parcels with dwellings on them have been conveyed to bona fide home purchasers. Elevation and square footage requirements established by applicable zoning shall apply at all times.

- 2. <u>Transient Uses.</u> No dwelling on a Parcel shall be rented or used for transient or hotel purposes, which is defined as: (a) rental for a period less than 30 days, or (b) rental under which occupants are provided customary hotel" services, such as room service for food and beverages, maid service, the furnishing of laundry and linen, busboy service; and similar services, or (c) rental to roomers or boarders, that is, rental to one or more persons of only a portion of a dwelling on a Parcel. Dwellings may only be rented for long term leases, which, for these purposes, shall be defined as a period of no less than six (6) months in duration.
- 3. <u>Temporary Structure Use</u>. No incomplete structure or structure of a temporary Character, trailer, tent, shack, garage, barn or other outbuilding shall be used at any time as a residence, either temporarily or permanently.
- 4. <u>Hobbies</u>. Hobbies or other activities that tend to detract from the aesthetic character of Scenic View Estates, and improvements used in connection with such hobbies or activities, shall not be permitted unless carried duct it in a residential building erected on a Parcel and not viewable from either the street or adjoining properties. This restriction refers specifically but not exclusively to such activities as automobile, bicycle, moped, motorboat, golf cart, and sailboat repair. Hunting shall only be permitted to the extent allowed by law and by the ordinances of the City of Pataskala.
- 5. <u>Cluster Mailboxes</u>. At all times, Owners shall be responsible to maintain and repair postal cluster boxes through the Community Association. Owners shall be responsible for lock replacement of the poster cluster boxes in order to maintain a uniform appearance.
- 6. Offensive Activities. No activity noxious or offensive in the reasonable judgment of the Board shall be carried on or permitted upon any part of Scenic View Estate, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. Without limiting the generality of the foregoing:
- (a) <u>Waste</u>. Except for the reasonably necessary activities of builders and developers during the active development of Scenic View Estates, no rubbish or debris of any kind shall be placed or permitted to accumulate upon any Parcel or upon any portion thereof;

- (b) <u>Odors</u>. No odors shall be permitted to arise or to be emitted therefrom so as to render any portion of Scenic View Estates unsanitary, unsightly, offensive, or detrimental to any of the remainder of Scenic View Estates or to any Occupants of portions thereof;
- (c) Lighting. No exterior lights, the principal beam of which shines upon portions of Scenic View Estates other than the Parcel upon which they are located, or otherwise cause unreasonable interference with the use and enjoyment of any Parcel by the Occupants thereof, shall be permitted on any Parcel, provided that lighting of Scenic View Estates Entranceway Improvements shall not be prohibited nor constitute an unreasonable interference with the use or enjoyment of any Parcel or Occupant; provided, however, that the Community Association shall have the right to install street lights as it deems appropriate to do so;
- (d) <u>Sound</u>. No speakers, horns, whistles, bells or other sound devices, shall be located, used or placed on any Parcel, except security devices used exclusively for security purposes which are activated only in emergency situations or for testing thereof. Music, either live or by recording device, that is so loud as to disturb one's neighbors, is prohibited; and
- (e) <u>Fireworks</u>. No fireworks of any kind shall be permitted except with the prior express approval of the West Licking Joint Fire District.
- 7. <u>Service Screening. Storage Areas.</u> Garbage and refuse shall be placed in containers, which shall be concealed and contained within buildings until the time scheduled for pick up and disposal. Except during the active period of construction, no materials, supplies or equipment shall be stored in Scenic View Estates except inside closed buildings.
- 8. <u>Machinery and Equipment</u>. No commercial machinery or equipment of any kind shall be placed, operated or maintained in Scenic View Estates except such machinery or equipment reasonably necessary for use in connection with maintenance, or construction of Improvements approved by the Architectural Review Committee.
- 9. Vehicles. Trailers. Boats. Commercial Vehicles, and Motor Homes. No vehicle may be left upon any Parcel for a period longer than twenty-four (24) hours in a condition such that it is incapable of being operated upon the public highways, after which time the vehicle shall be considered a nuisance and detrimental to the welfare of the neighborhood and shall be removed from Scenic View Estates. Any towable vehicle, boat, motor home, recreational vehicle, camper, trailer, or mobile home regularly stored upon any portion of the Subdivision or temporarily kept thereon for periods longer than twenty-four (24) hours, shall be considered a nuisance and shall be removed from Scenic View Estates. The foregoing, however, does not apply to such boats or other vehicles, whether motor-driven or towed, are stored wholly within private garages which themselves comply with the provisions of this Community Declaration. No commercial vehicles may be parked, stored, or temporarily kept on any Parcel, except when there temporarily to service existing Improvements or to be used in connection with the construction of Improvements in Scenic View Estates. No parking shall be permitted on cul-de-sacs or streets or berms of

streets or on common access driveways or their turnarounds at any time. Only automobiles and authorized trucks may be parked on the driveways or outside of private garages. Golf carts and similar vehicles shall not be parked on driveways or sidewalks, or otherwise outside of private garages. An authorized truck is a truck one-ton capacity or less that exhibits no external evidence of commercial use. Notwithstanding the foregoing, the Board shall have the right, in its sole discretion, to determine whether or not a particular vehicle type, or any particular vehicle, is authorized. The Board shall also have the authority to have any vehicle or any other items which is in violation of any provision of this subsection towed or otherwise removed without notice to and at the expense of the owner thereof. This authority is coupled with a right of entry onto any Parcel where the offending vehicle or other violating items if located for purposes of towing or other removal.

- 10. <u>Driveways.</u> At all times, Owners shall be required to maintain their driveways in good condition. Chip and tar driveways are permitted, as are asphalt, pavers, or concrete of sufficient strength and design to handle vehicular traffic.
- 11. <u>Bike Paths and Sidewalks</u>. Golf carts and similar vehicles or apparatus, as determined by the Board, shall not be permitted on bike paths or sidewalks.
- 12. Animals. Except as hereinafter provided, and other than properly certified support animals, no animals, livestock, exotic animals, birds, poultry or other fowl, snakes, reptiles, or species of insects, shall be raised, bred, kept, or maintained on any Parcel, or any portion thereof. Notwithstanding the foregoing, household domestic pets, not bred or maintained for commercial purposes, may be maintained in a residence on a Parcel provided that (a) other than properly certified support animals, no more than two (2) of any type of animal, other than small aquarium adaptable fish, may be maintained in any residence (except when less than three months of age); (b) the maintaining of animals shall be subject to such Rules as the Board may from time to time promulgate, including, without limitation, the placing limitations on the size and type of such pets, and establish leash regulations, and the right to levy enforcement charges against persons who do not conform with regulations or clean up after their pets; and (c) the right to maintain any particular animal or any particular breed or species of animal shall be subject to termination if the Board, in its full and complete discretion, determines that maintenance of such animal, breed or species constitutes or could constitute a nuisance or creates or could create a detrimental effect on other Owners or Occupants, or Scenic View Estates as a whole. Any outside structures related to maintaining pets shall be subject to review and approval by the Architectural Review Committee.
- 13. <u>Open Fires</u>. Open fires, leaf burning, trash burning, or the like, are prohibited, excepting only domestic use of indoor fireplaces and wood burning stoves, commercially made barbecue grills, small fire pits on decks and patios, and natural gas lights.
 - C. Building, Improvement, and Other Limitations.

- 1. <u>Plan Approval.</u> No Owner or Person shall construct or make any Improvement to a Parcel without first complying with the plan approval and architectural review requirements of this Community Declaration. All Improvements must comply with the elevation and square footage requirements of local zoning.
- 2. <u>Setbacks</u>. In addition to the setback requirements established by local zoning requirements, no structure shall be permitted within more than twenty (20) feet of each Lot as approved by the City of Pataskala for the building foundation for each Residence, including garage. All site plans for the proposed Improvement must be submitted to the City of Pataskala after approval by the Architectural Review Committee before any construction can begin.
- 3. <u>Parcel Splits</u>. No Parcel shall be split, divided or subdivided for sale, resale, gift, transfer or otherwise, unless approved by the Board and all governmental authorities having jurisdiction; provided, however, that an Owner shall have the right to purchase additional Lots and to combine those Lots into a single Lot.
- 4. Tree Removal and Replacement. Lot owners agree that no tree removal or site work can take place without prior express ARC and city approval. A site plan with tree survey and tree preservation plan must be a part of these submissions pertaining to trees to be removed outside of building site perimeters.
- 5. <u>Sewage Systems.</u> All Lot owners will be required to install a Covalen grinder pump and connect said pump to forced main. This shall be the sole sewage removal/treatment system permitted in Scenic View Estates. All lot owners will be required to attend a training session and acknowledge an understanding of how system works and their ongoing responsibility to maintain the system annually. The Community Association will provide annual maintenance included in the assessment.
 - 6. Garages. Each single-family residence must have at least a two-car garage.
- 7. <u>Mailboxes: Post Lights</u>. All mailboxes and post lights shall conform in location, materials use, design and finish, specified from time to time by the Architectural Review Committee.
- 8. <u>Outbuildings. Temporary Improvements</u>. Except as approved by the Architectural Review Committee, no outbuildings, storage sheds or temporary buildings or structures shall be permitted; provided, however, trailers, temporary buildings, barricades and the like shall be permitted for construction purposes during the construction period of a permanent building and for sales purposes during the sale of a Parcel and further provided that small structures to house Covalen grinder pumps shall be permitted. Any temporary structure shall be removed not later than fourteen (14) days after the date of completion of construction of the building(s) for which the temporary structure was intended. Temporary structures shall be permitted for no longer than a period of one (l) year unless variance is granted by the Architectural Review Committee. Notwithstanding the foregoing, one or more Parcel may be used for model and sales purposes until all Parcels have had dwellings

constructed on them and have been sold to bona fide unrelated residential home purchasers. Natural gas-powered back-up generators shall be permitted subject to proper permitting and approval by the City of Pataskala.

- 9. Antennas/Satellite Dishes. No antenna or dish for transmission or reception of television signals, radio signals, or any other form of electromagnetic radiation shall be erected, used or maintained on any Parcel outside any building, whether attached to an Improvement or otherwise, including, but not limited to satellite dishes, unless approved by the Architectural Review Committee, or unless required to be permitted by law, but subject to such lawful rules and regulations as the Board may from time to time adopt, and the further limitation that satellite dishes may not exceed twenty-four (24) inches in diameter and must be erected or installed to minimize visibility from the street which the dwelling on the Parcel fronts.
- 10. <u>Utility Service</u>. No lines, wires or other devices providing utility services, including telephone, television, data, and radio signals, or for transmission of electric current or energy, shall be constructed, placed or maintained anywhere in Scenic View Estates unless the same shall be by cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvements. No structure shall be built over any underground utility, public or private, or impede access to it. Above ground electrical transformers, pedestals and other equipment must be properly screened and such screening approved by the Architectural Review Committee. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission shall also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved Improvements.
- 11. <u>Proposed Improvement Location</u>. All Improvements shall be placed so that the existing topography and landscape shall be disturbed as little as possible, and so that the maximum number of desirable trees and other natural features will be preserved, unless the Architectural Review Committee approves in writing some other placement. All dwellings must be situated between the front and rear setback lines, as shown on a plat. For purposes hereof, eaves and steps shall not be considered part of a dwelling, provided that this shall not be construed to permit any portion of any dwelling to encroach on another Parcel, a reserve or public property.
- 12. Sight Distance at Intersections. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Parcel within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines, or in the case of a rounded property comer, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any Parcel within ten (10) feet from the intersection of a street property line with the edge of a driveway. No trees shall be permitted to remain within such distances of

intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

- 13. <u>Storage Tanks</u>. No storage tanks, including, but not limited to, those used for storage of water, gasoline, oil, other liquid or any gas shall be permitted in Scenic View Estates outside a building, except (a) storage tanks used during the construction of residences; and (b) propane tanks having a capacity of thirty (30) pounds or less, for use to power a gas grill.
- 14. Improvement Exteriors. All windows, porches, balconies, decks, patios, and the exteriors of buildings and other improvements shall at all times be maintained in a neat, clean and orderly condition. No clotheslines or other outside drying or airing facilities shall be permitted on the exterior of any dwelling, and no clothing or any other household fabrics shall be hung in the open on any Parcel.
- 15. Exterior Materials and Colors. Finish building materials shall be applied to all sides of the exteriors of buildings. Colors shall be harmonious and compatible with colors of the natural surrounding and other adjacent buildings. The Architectural Review Committee shall approve or disapprove exterior materials and colors.
- 16. Signs. No signs of any character shall be erected, posted or displayed in Scenic View Estates except: (i) marketing signs installed during the period of the initial sale of homes by a builder marketing available property in Scenic View Estates; (ii) street and identification signs installed by, or at the direction of, the Community Association or any governmental agency; and (iii) one temporary professional real estate sign on a Parcel not to exceed six (6) square feet in area advertising that Parcel is for sale or lease. All signs, before installation, are to be approved in writing by Declarant or the Architectural Review Committee. Signs promoting community events shall be permitted, but for no longer than two (2) weeks prior to said event. Such signs must be removed after completion of said community event.
- 17. Landscaping. All property in Scenic View Estates shall be landscaped according to plans approved by the Architectural Review Committee, and by the appropriate governmental authorities. All shrubs, trees, grass and plantings of every kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. Each Parcel Owner shall remove dead and diseased trees and limbs from that Owner's Parcel. Lot owners agree to plant grass or other appropriate ground cover on any cleared area of a given Parcel.
- 18. <u>Trash and Other Rubbish</u>. All trash, recycling, or other rubbish is to be housed in approved containers to be picked up by the City of Pataskala regularly.
- 19. Maintenance. Subject to limitations on use and maintenance as shown and set forth on an applicable plat, no Parcels building or other Improvement shall be permitted to become overgrown, unsightly or to fall into disrepair, and all buildings and Improvements shall at all times be kept in good condition and repair and adequately painted or otherwise

finished in accordance with specifications established by the Architectural Review Committee.

- 20. Drainage and Grading. No drainage ditches, cuts, swales, impoundments, streams, flood ways, ponds, knobs, dams or hills, and no other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage pattern, may be destroyed, altered or modified, interfered with or blocked by or at the direction or with the consent of any Parcel Owner without the prior consent of the Pataskala City Engineer, Declarant, or the Architectural Review Committee. No Improvement shall be made in any manner whatsoever that is inconsistent with the master grading plans established for Scenic View Estates, or any part thereof, without the prior written consent of the Pataskala City Engineer, All Parcel Owners shall obtain certification from a licensed engineer and completing any grade or drainage altering Improvement that the master grading plan has been observed. Whenever, because of construction of Improvements on a Parcel, or for some other reason, silt runs off the Parcel onto any adjacent property, the Owner of the Parcel shall be obligated to provide a means of siltation control to the Community Association and its representatives shall have the right to enter upon any Parcel and any portion of Scenic View Estates and remedy or repair any such destruction, alteration, modification or Improvement without being guilty of trespass and without liability to any Owner or Occupant with respect to the same or the consequences thereof. Lot owners will be responsible to maintain ditch areas by mowing them on a regular basis and insuring that no inorganic or organic damming of ditches or storm structures occurs. Lot owners agree to maintain their drive culverts to full operation consistently. No trees should be planted in storm areas.
- 21. <u>Soil</u>. No Improvement shall be placed on site without the owner of that Lot certifying to the Architectural Review Committee that soil conditions are appropriate for the proposed Improvement. Consideration must be made for the preservation of as many existing trees as possible. No soil shall be removed from any Parcel for commercial purposes.
- 22. <u>Fences</u>. No fence, wall, or barrier of any kind may be erected on any Parcel without the prior written approval of the Architectural Review Committee and must be limited to dog runs or to the outside perimeter of the subdivision and in setback areas, with Architectural Review Committee approval.
- 23. <u>Swimming Pools: Hot Tubs</u>. No swimming pools and/or hot tubs measuring more than one hundred (100) square feet shall be constructed or maintained above the finished grade of a Parcel at its location as shown on the master grading plan for Scenic View Estates.
 - 24. Solar Panels. No solar panels, attached or detached, shall be permitted.
- 25. <u>Window Air Conditioning Units</u>. Except as otherwise permitted by the Architectural Review Committee, no window air conditioning unit shall be permitted in any window that faces a public street.

- 26. Storage. No open storage of any kind shall be permitted. Unless expressly approved in writing by the Architectural Review Committee, no accessory building or storage shed, in addition to the actual dwelling itself, shall be permitted on any Parcel, for any purpose whatsoever.
- 27. Requirement of Completion: Notice of Completion: Non-completion or Non-compliance. A Parcel Owner shall cause any Improvement to be diligently pursued to completion within eighteen (18) months after the date construction is commenced. Upon the completion of any Improvement, the Owner may file a notice of completion and compliance which shall give rise to a conclusive presumption in favor of the Owner that the Improvement is completed and is in compliance with all provisions of this Article VIII unless, within thirty (30) days of the filing, the Architectural Review Committee gives actual notice of non-compliance or non-completion. Notice of non-compliance or non-completion will be considered to be delivered when it is posted on or about the Improvement in question or delivered by certified mail or in person to the Owner. All approved landscape Improvements and all paving shall be completed, weather permitting, prior to the occupying of each residence.
- D. Entranceway Improvements Easements. Easements are reserved over the recorded easement for the installation, repair and maintenance of entranceway Improvements to be installed by Declarant. The portions of such Parcel containing such entranceway Improvements shall at all times be kept accessible for maintaining and repairing the entranceway Improvements and Declarant and/or the Community Association shall have the right to enter the Parcel to do so, Each Parcel Owner, by that Owner's acceptance of a deed to such Parcel or Parcels, agrees that no entranceway Improvements shall be added to or removed by a Parcel Owner without the consent, expressed in writing, of the Community Association. Such consent shall be provided for by the Community Association according to its rules and regulations established for maintenance of entranceway Improvements.

E. <u>Utility Easements</u>. Easements as shown on a plat are hereby reserved and granted to Declarant and any utility company or governmental unit engaged in supplying one or more utility services to the platted area to install, lay, erect, construct, renew, operate, repair, replace, maintain or remove all and every type Of electric, gas. water, telephone, cable, sanitary or storm sewer or other utility facilities. The providing utility company, the City of Pataskala, Licking County, Declarant and/or the Community Association may come upon any Parcel in any emergency endangering life or property to handle the installation, replacing, repairing and maintenance of all utilities. Such easements are also reserved within any designated easement areas. Easements are further granted to all police, fire protection, ambulance, mailmen and deliverymen, and all similar persons to enter upon the drives, sidewalks, walkways and paths in the performance of their duties. Should any utility furnishing a service covered by the general easement herein provided request a specific easement by separate recordable document, each Parcel Owner agrees to execute such a document.

- F. <u>Common Property Uses</u>. The Common Property may be used only in accordance with the following provisions of this Section F:
- 1. The Common Property may be used only in accordance with the purposes intended and for any reasonable purposes incidental to the maintenance of Scenic View Estates as a high-quality residential community. All uses of the Common Property shall benefit or promote the health, safety, welfare, convenience, comfort, recreation, and enjoyment of the number of members of this committee, and who those members are, and shall have the sole right and power to remove and replace those members. From and after the Turnover Date the Architectural Review Committee shall be of such number, and have such qualifications, as the Board, in its sole discretion, may from time to time designate.

G. <u>Iurisdiction</u>.

- 1. <u>Initial Improvements</u>. Subject to applicable restrictions and governmental prescriptions and limitations, Declarant shall have the sole right, power, and authority, to approve plans for all Improvements initially constructed in Scenic View Estates, provided Declarant, at any time, shall have the right to assign this responsibility, or any part thereof, to the Architectural Review Committee.
- 2. <u>Subsequent Improvements</u>. Subject to the foregoing applicable restrictions, and governmental restrictions and limitations, the Architectural Review Committee shall have the sole right, power, and authority to receive and review all plans and specifications for the addition, change, repair or replacement of any Improvement, hereinafter defined, visible to the public, or which could affect the health, welfare, comfort or safety of any other property in Scenic View Estates, and to approve or disapprove the same.
- 3. <u>Adherence Standards</u>. In reviewing, evaluating, and approving or disapproving any application to make an addition, change to or repair or replacement of any Improvement the Architectural Review Committee shall determine adherence to design guidelines established from time to time by it, and design guidelines and diversity standards established by the City of Pataskala or set forth in the Development Plan, as it may be amended from time to time.
- 4. Requirement of Plan Approval. No person shall construct, make addition to, make any change in, or repair or replace. any Improvement in Scenic View Estates visible to the publics or which could affect the health, welfare, comfort or safety of any other property or property Owner in Scenic View Estates, without the prior written consent of the Architectural Review Committee. Each Owner covenants that no tree removal, excavation, construction or other site work which would in any way alter the property from its present state shall be commenced, no building and/or structure shall be erected, and no materials shall be stored upon any property in Scenic View Estates by any Owner or his/her/their agents, heirs, successors or assigns until the Architectural Review Committee shall have approved, in writing, the plans and specifications pursuant to Section 5 of this Article. If the Architectural Review Committee disapproves said plans and specifications, the Owner may revise and resubmit said plans and specifications until approval is received. Approval of plans and specifications shall constitute the commitment of the Owner to make the approved

Improvement according to the approved plans and specifications within a reasonable time, not to be longer than one year for the date of approval.

- 5. <u>Procedures.</u> Prior to making any such Improvement the Owner or Owners of the property on which the Improvement is to be made shall submit two (2) sets of complete building and site plans with specifications of the buildings and structures intended to be erected to the Architectural Review Committee setting forth the following:
- 1. the general arrangements of the interior and exterior of the building and/or structure, including plans for all floors, cross sections and elevations, including projections and Wing-walls; the color and texture of the building materials and the manufacturers thereof; the type and character of all windows, doors, exterior light fixtures, and appurtenant elements such as decorative walls, chimneys, driveways, and walkways; and the location of the building and/or structure including front, side, and rear setbacks, driveway locations, garage openings, orientation of the building and/or structure to the topography, and conformance of the Improvements with the master grading and drainage plan;
 - (b) mail boxes, address markers;
 - (c) landscaping, fencing, and screening;
 - (d) patios, decks, gazebos, and porches;
 - (e) signs and parking areas;
 - (f) exterior lighting plans;
- (g) swimming pools, swing sets, play areas, basketball boards, and similar improvements;
- (h) certification that the finished Improvements will conform to the adherence standards set forth in Item C of this Article IX; and
- (i) such other information, data, and drawings as may be reasonably requested by the Architectural Review Committee.
- 2. Each Owner, by acceptance of a deed to a Parcel, further acknowledges that in considering plans and specifications submitted, the Architectural Review Committee will take into consideration plans and specifications already approved or in the process of being reviewed for approval of proposed Improvements on adjacent Parcels and the effect of said proposed Improvements on the Owner's Parcel with reference to its effect upon neighboring Parcels and the overall development of Scenic View Estates.
- 3. Submitted specifications shall otherwise be prepared according to the requirements of the Architectural Review Committee and the restrictions contained herein.

- F. <u>Failure to Approve or Disapprove</u>. If the Architectural Review Committee fails either to approve or disapprove any such plans and specifications within thirty (30) days after all required plans and specifications and other information his been delivered to it, it shall be conclusively presumed that the Architectural Review Committee has approved the Improvements. In disapproving any Improvement, the Architectural Review Committee shall specify the elements which are deemed objectionable. If the Architectural Review Committee disapproves said plans and specifications, the Owner may revise and resubmit said plans and specifications until approval is received, In addition, the Architectural Review Committee reserves the right to charge for those costs and expenses incurred by the Architectural Review Committee in the utilization of its architect or planner in the preparation, submission or resubmission of any Person's or Owner's plans and specifications for approval.
- G. <u>Variances</u>. To avoid unnecessary hardship and/or to overcome practical difficulties in the application of these provisions, the Architectural Review Committee shall have the authority to grant reasonable variances from the provisions hereof, provided that the activity or condition is not prohibited by applicable law; and provided further that, in the judgment of the Architectural Review Committee, the variance is in the best interests of the community and is within the spirit of the standards of the Architectural Review Committee. No variance granted pursuant hereto shall constitute a waiver of any provision hereof as applied to any other person or any other part of Scenic View Estates.
- H. <u>Liability Relating to Approvals</u>. Neither Declarant, the Community Association, the Board, the Architectural Review Committee, nor any member thereof, nor any of their respective heirs, personal representatives, successor or assigns, shall be liable to anyone submitting a proposal for approval of an Improvement by reason of mistakes in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve the same. Every Person who submits a request for approval of an Improvement to the Architectural Review Committee agrees, by submission thereof, that Person will not bring any action or suit against any of the foregoing to recover any alleged damages. Further each Person further acknowledges that the Architectural Review Committee shall not be responsible or liable to any Person or to any other Owner in Scenic View Estates by reason of the exercise of its judgment in approving or disapproving plans submitted nor shall it be liable for any expenses entailed to a Person or Owner in the preparation, submission and, if necessary, re-submission of proposed plans and specifications.
- I. <u>Review of Subdivision Plats</u>. The various plats of portions of Scenic View Estates will contain notes affecting the Parcels in those designated areas. It is recommended that each Person or Owner of a Parcel review the plat affecting that Parcel. The following proposed common plat notes are restated and incorporated herein:
- 1. <u>Drainage Easements</u>. Within any drainage or storm water management easement areas designated on any of the recorded plats for Scenic View Estates, no structure, planting or other material shall be placed, or drainage channels or water over said easement areas. The drainage easement areas and all surface improvements constructed therewith shall be

maintained continuously by the Owner of the property upon which it is situated, except for those improvements for which a public authority or public utility company is responsible.

- 2. A definition of "No Build Zones" is contained within the City of Pataskala Codified Ordinances Section 152.002. Northing shall prohibit over lot grading, drainage facilities, utility lines and utility structures, including above grade utility structures within the "No Build Zone."
- J. <u>Mortgagee Rights</u>. Any institutional holder or insurer of a first mortgage upon any Parcel, upon written request to the Community Association (which request shall state the name and address of such holder or insurer and a description of the Parcel) shall be entitled to timely written notice of:
 - 1. Any proposed amendment of this Community Declaration;
 - 2. Any proposed termination of the Community Association; and
- 3. Any default under the provisions hereof which gives rise to a cause of action by the Community Association against the Owner of the Parcel subject to the mortgage of such holder or insurer, where the default has not been cured in sixty (60) days.

Each institutional holder or insurer of a first mortgage on any Parcel shall be entitled, upon written request and at such mortgagee's expense, to inspect the books and records of the Community Association during normal business hours.

F. Indemnification.

1. Third Party Actions. The Community Association shall indemnify, defend and hold harmless any Person who is or was a party or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative or investigative action, suit, or proceeding, including all appeals, other than an action, suit or proceeding by or in the light of the Community Association, by reason of the fact that the Person is or was a Director, Officer, employee, or volunteer of the Community Association, against expenses (including attorney's fees), judgments, fines, penalties, and amounts paid in settlement actually and reasonably incurred by that person in connection with such action, suit or proceeding, if that Person acted in good faith and in a manner that person reasonably believed to be in or not opposed to the best interests of the Community Association and, with respect to any criminal action or proceeding, if that Person had no reasonable cause to believe that Person's conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction, or upon a plea of nolo contendere or its equivalent, shall not create, of itself, a presumption that the person did not act in good faith and in a manner which that Person reasonably believed to be in or not opposed to the best interest of the Community Association and, with respect to any criminal action or proceeding, a presumption that the Person had reasonable cause to believe that the Person's conduct was unlawful.

- 2. <u>Derivative Actions</u>. The Community Association shall indemnify, defend and hold harmless any Person who is or was a party, or threatened to be made a party, to any threatened, pending, or completed action or suit, including all appeals, by or in the right of the Community Association to procure a judgment in its favor, by reason of the fact that the Person is or was a Director, Officer, employee, or volunteer of the Community Association, against expenses (including attorney's fees) actually and reasonably incurred by that Person in connection with the defense or settlement of such action or suit, if the Person acted in good faith, and in a manner that person reasonably believed to be in or not opposed to the best interests of the Community Association, except that no indemnification shall be made in respect of (a) any claim, issue, or matter as to which such Person is finally adjudged to be liable for negligence or misconduct in the performance of that Person's duty to the Community Association unless, and only to the extent that, the court of common pleas or the court in which such action or suit was brought determines, upon application, that, despite the adjudication of liability but in view of all the circumstances of the case, such Person is fairly and reasonably entitled to indemnity for such expenses as the court of common pleas or such other court considers proper, or (b) any action or suit in which a Director is found liable only pursuant to the provisions of Section 1702.55 of the Ohio Revised Code.
- 3. Other Determinations of Rights. Unless ordered by a court, any indemnification under paragraphs 1 and 2 of this Section shall be made by the Association only as authorized in the specific case, upon a determination that indemnification of the Director, Officer, employee or volunteer is proper under the circumstances because that person has met the applicable standard of conduct set forth in paragraphs 1 and 2 of this Section. Such determination shall be made in any one of the following manners: (a) by a majority vote of a quorum consisting of Directors or the Community Association who were not and are not parties to or threatened with the action, suit or proceeding referred to in paragraph I or 2 of this Section, or (b) by the Members by majority vote.
- 4. <u>Indemnification of Agents and Others</u>. The Community Association may, from time to time, and in its sole discretion, indemnify, defend and hold harmless any Person who is or was an agent, or other authorized representative of the Association, other than those described under paragraphs 1 and 2 who may be indemnified, or is or was serving at the request of the Community Association as a Director or employee of another corporation, limited liability company, partnership, joint venture, trust, or other enterprise, against any liability asserted against that Person or incurred by that Person in any such capacity or arising out of the Person's status as such, in the same manner and to the same extent as provided herein for Directors, Officers, employees and volunteers of the Association.
- 5. Advances of Expenses. Expenses of each Person indemnified herein incurred in defending a civil, criminal, administrative, or investigative action, suit, or proceeding (including all appeals), or threat thereof, may be paid by the Community Association in advance of the final disposition of such action, suit, or proceeding as authorized by the Board, whether a disinterested quorum exists or not, upon receipt of an undertaking by or on behalf of such Person, to repay such amount, if it is ultimately determined that that Person is not entitled to be indemnified by the Community Association.

- 6. Non-exclusiveness: Heirs. The foregoing rights of indemnification are not exclusive, and shall be in addition to any other rights granted in those seeking indemnification as a matter of law, or under this Community Declaration, the regulations, any agreement, vote of members or disinterested Directors, or otherwise, both as to actions in their official capacities and as to actions in another capacity while holding their offices or positions, shall continue as to a Person who has ceased to be a Director, Officer, employee, member, manager, agent, or volunteer, and shall inure to the benefit of the heirs, executors, administrators of such a Person.
- 7. Purchase of Insurance. The Community Association may purchase and maintain insurance, or furnish similar protection, including but not limited to trust funds, letters of credit, or self-insurance, for or on behalf of any Person who is or was a Director, Officer, agent, employee or volunteer of the Association, or is or was serving at the request of the Community Association as a director, officer, employee, member, manager, agent, or volunteer of another corporation, limited liability company, partnership, joint venture, trust or enterprise against any liability asserted against that Person or incurred by that Person in any such capacity, or arising out that person's status as such, whether or not the Community Association would have the power to indemnify that Person against such liability under the provisions of this Article or of the Ohio Nonprofit Corporation Law. Insurance may be purchased from or maintained with a person in which the Association has a financial interest.
- G. <u>Term of Covenants</u>. This Declaration of Covenants, Easements, Restrictions, Assessments, and Assessment Liens shall be effective for a term of ten (10) years at a time on all Lots unless all lot Owners vote to amend them.
- H. <u>Mutuality</u>. All restrictions, conditions, and covenants contained herein are made for the direct, mutual, and reciprocal benefit of Declarant, and the Community Association, and the present and future owners of property in Scenic View Estates, and each part thereof, and their respective personal representatives, heirs, successors, and assigns; the provisions hereof shall create mutual equitable servitudes upon the property submitted to these restrictions and each part thereof; and any property referred to herein as benefited hereby; the provisions hereof shall create reciprocal rights and obligations between the respective Owners of all such property and privity of contract and estate between all Owners thereof; and the provisions hereof shall, as to the Owner of any such property and those Owners' respective heirs, personal representatives, successors and assigns, operate as covenants running with the land for the benefit of all such Property and the Owners thereof.
- I. <u>Amendment.</u> The Declarant reserves the right to amend these Covenants at any time prior to turnover of the Community Association to the Owners.
- J. <u>Severability</u>. If any article, section paragraph, sentence, clause, or word herein is held by a court of competent jurisdiction to be in conflict with any law, or unenforceable, then the requirements of such law shall prevail and the conflicting provision or language shall

be deemed void in such circumstance; provided that the remaining provisions or language of this Community Declaration shall continue in force and effect.

K. <u>Enforcement: Waiver</u>. Failure of Declarant, the Community Association, or Owner to enforce any provision of this Community Declaration or the Governing Documents in any matter shall not constitute a waiver of any right to enforce any violation of any such provision. By accepting a deed to a Parcel, each Owner is deemed to waive the defenses of laches and statute of limitations in connection with the enforcement of the provisions hereof, or other Governing Documents.

L. <u>Notices.</u> Notices to an Owner shall be given in writing by personal delivery, or at the Lot, if a residence has been constructed on such Lot, or by depositing such notice in the United States Mail, first class, postage prepaid, to the address of the Owner of the Lot last shown by the records of the Community Association, or as otherwise designated in writing by the Owner.

- M. <u>Construction</u>. In interpreting words and phrases herein, unless the context shall otherwise provide or require, the singular shall include the singular, and the use of any gender shall include all genders.
- N. <u>Captions</u>. The caption of each article, section, and paragraph of this Declaration is inserted only as a matter of reference and does not define, limit, or describe the scope of intent of the provisions of this Community Declaration.

Declarant has duly caused the execution of this Community Declaration on the date first hereinabove written.

SCENIC VIEW ESTATES, LLC, an Ohio limited liability company, by: FDT GROUP HOLDINGS, LLC, an Ohio limited liability company, its managing member.

By: Dimitry Filonenko, Managing Member

STATE OF OHIO: COUNTY OF LICKING:

The foregoing instrument was acknowledged before me this ___day of ______ 2019, by Dimitry Filonenko, the duly authorized and acting Managing Member of FDT Group Holdings, LLC, an Ohio limited liability company, the managing member of Scenic View Estates, LLC, and Ohio limited liability company, on behalf of the companies.

Notary Public		

THIS INSTRUMENT PREPARED BY:

Eric J. Wittenberg, Attorney-at-Law COOK, SLADOJE & WITTENBERG CO., L.P.A. 250 East Broad Street Suite 1725 Columbus, OH 43215



Planning and Zoning
Department

NOTICE OF PUBLIC HEARING

The Pataskala Planning and Zoning Commission will hold a public hearing on Wednesday, May 1, 2019 at 6:30 p.m., First Floor, Council Chambers, Pataskala City Hall, located at 621 West Broad Street. The Planning and Zoning Commission will discuss the following applications:

Rezoning Application ZON-19-005: Scenic View Estates, LLC, is requesting approval of a Preliminary Plan, pursuant to Section 1255.19 of the Pataskala Code, for a 60-lot Planned Development District know as Scenic View Estates for the property located at 0 Middleground Road (Parcel ID Nos. 064-068322-00.009 and 064-068087-00.000).

Final Plan Amendment Application FP-19-003: Will Sharer and Carrington Ridge One, LLC, are requesting approval of an amendment to an approved Final Development Plan, pursuant to Section 1255.20 of the Pataskala Code, to replace the sign faces of the two entry signs and removal of the existing fence for the Carrington Ridge Apartments located at 312 Foxtail Drive.

The Applications are available for review at the Pataskala Planning and Zoning Department, located at 621 West Broad Street, Suite 2A, and will be available April 24, 2019 on our homepage, www.cityofpataskalaohio.gov, under the "Planning and Zoning Commission Info" tab.

If you have any questions, please contact the Zoning Clerk at 740-927-4910. Office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

You are receiving this public notice because you own property within 300 feet of the property requesting a public hearing



Planning and Zoning
Department

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The Application is available for review at the Pataskala Planning and Zoning Department, located at 621 West Broad Street, Suite 2A, and will be available April 24, 2019 on our homepage, www.cityofpataskalaohio.gov, under the "Planning and Zoning Commission Info" tab.

If you have any questions, please contact the Zoning Clerk at 740-927-4910. Office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

If you plan to attend, you may contact the Zoning Clerk at 740-927-4910 the day of the hearing to confirm the application has not been postponed or delayed.

PATASKALA, OH 43062

919 HILLGAIL CIR

RIZZO BRET D & MELISSA JO

53 KAUAI CT

PATASKALA, OH 43062

SCENIC VIEW ESTATES LLC 146 MAIN EST

NEW ALBANY, OH 43054

HISE ROBERT & LINDA L 218 SHALERIDGE DR

PATASKALA, OH 43062

POLLOCK MICHAEL & SHARP ANGEL M 209 SHALERIDGE DR

PATASKALA, OH 43062

ROBERTS DENISE R

517 DEVENCROFT RIDGE E

PATASKALA, OH 43062

BIEDRON STEVEN ANDREW & ELIZABETH

516 DEVENCROFT RIDGE E

PATASKALA, OH 43062

ASHCRAFT BRIAN A

504 DEVENCROFT RIDGE E

PATASKALA, OH 43062

Scenic View Estates

DARR MARILEE (TOD)

BLOOMFIELD LANCE A & BARBARA J

PATASKALA, OH 43062

37 KAUAI CT

71 KAUAI CT

PATASKALA, OH 43062

HOPKINS STEPHEN D & DENISE R

PATASKALA, OH 43062 222 BLUFF RIDGE DR

475 METRO PLACE S STE 200 PULTE HOMES OF OHIO LLC

DUBLIN, OH 43017

WILLIARD MICHAEL & LOGAN

LAY LARRY C & PAMELA K

PATASKALA, OH 43062 205 SHALERIDGE DR

217 SHALERIDGE DR DIETERICH LESLIE A

SCALMATO VINCENT M

PATASKALA, OH 43062

201 SHALERIDGE DR

PATASKALA, OH 43062

213 SHALERIDGE DR

PATASKALA, OH 43062

BECKWITH DAVID C & WOOD JULIE A **520 DEVENCROFT RIDGE EAST**

521 DEVENCROFT RIDGE E WEWETZER JESSE & MARIE

PATASKALA, OH 43062

PATASKALA, OH 43062

WOOSLEY KAREN E

508 DEVENCROFT RIDGE

512 DEVENCROFT RIDGE E

YOUNG ALICIA D

PATASKALA, OH 43062

PATASKALA, OH 43062

GREER DEREK & LAUREN

HOWARD RONALD J & EVANS

CHARLANDA

500 DEVENCROFT RIDGE

PATASKALA, OH 43062

PATASKALA, OH 43062 223 BLUFF RIDGE DR

PATASKALA, OH 43062

ADAMS NANCY LEE



Introduced: Revised: Adopted:

Effective:

6/17/2019

CITY OF PATASKALA

ORDINANCE 2019-4341

AN ORDINANCE TO REZONE PROPERTIES LOCATED ON MIDDLEGROUND ROAD SW, PARCEL NUMBERS 064-068322-00.009 AND 064-068087-00.000, TOTALING 136.32 ± ACRES, IN THE CITY OF PATASKALA, FROM THE HIGH DENSITY RESIDENTIAL DISTRICT (R-10) ZONING CLASSIFICATION TO THE PLANNED DEVELOPMENT DISTRICT (PDD) ZONING CLASSIFICATION.

WHEREAS, Scenic View Estates, LLC. filed application number ZON-19-005, parcel numbers 064-06822-00.009 and 064-068087-00.000, totaling 136.32 ± acres, from the High Density Residential District (R-10) zoning classification to the Planned Development District (PDD) zoning classification pursuant to Section 1217.02; and

WHEREAS, a public hearing was held by the City Planning and Zoning Commission on May 1, 2019; and

WHEREAS, the notice of a public hearing to be held by the City Planning and Zoning Commission was published in a newspaper of general circulation on April 18, 2019; and

WHEREAS, the notice of a public hearing to be held by the City Planning and Zoning Commission was mailed to property owners within 300 feet of the subject property at least 10 days prior to the public hearing, pursuant to Section 1217.09, and

WHEREAS, upon hearing the application the City Planning and Zoning Commission recommended approval of the amendment with modifications on February 6, 2019 pursuant to Section 1217.10; and

WHEREAS, a public hearing was held by Council on June 17, 2019 pursuant to Section 1217.11; and

WHEREAS, the amendment was on file for public examination for a minimum of 30 days preceding the Council public hearing pursuant to Section 1217.12; and

WHEREAS, Council hereby determines that all applicable procedures required by Chapter 1217 of the Codified Ordinances have been followed, and that notice was given and a public hearing was held as required by Section 1217.11 of the Codified Ordinances, and Council hereby adopts the recommendation of the Pataskala Planning and Zoning Commission as provided for in Section 1217.13 of the Codified Ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING, THAT:

Section 1: The properties located on Middleground Road SW, parcel numbers 064-068322-00.009 and 064-068087-00.000, totaling $136.32 \pm acres$, in the City of Pataskala, belonging to Scenic View Estates LLC., is hereby rezoned to the Planned Development District (PDD) zoning classification from the High Density Residential District (R-10) zoning classification.

Section 2: The Official Zoning Map of the City of Pataskala, Ohio is hereby amended and revised by changing the zoning of the property from the High Density Residential District (R-10) zoning classification to the Planned Development District (PDD) zoning classification, and the City Administrator is hereby authorized and directed to make this change on the Zoning Map in accordance with the provisions of this Ordinance.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4: This Ordinance shall become effective from and after the earliest period allowed by the Charter of the City of Pataskala.

ATTROTT-

Kathy M. Hoskinson, Clerk of Council	Michael W. Compton, Mayor
Approved as to form:	
Brian M. Zets, Law Director	